

October 3, 2006



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TRANSCRIPT
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MONTGOMERY COUNTY COUNCIL

PRESENT

George Leventhal, President
Phil Andrews
Nancy Floreen
Thomas Perez

Marilyn J. Praisner, Vice President
Howard Denis
Michael Knapp
Steven A. Silverman

ABSENT

Michael Subin



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1 [MUSIC]

2
3 Council President Leventhal,

4 Good morning everyone, we are going to begin with a moment of silence. Let's keep in
5 our prayers the victims of the Amish school in Pennsylvania. Thank you very much. We
6 have a proclamations recognizing October 2006 as Mentor Month in Montgomery
7 County by Councilmember Andrews.

8
9 Councilmember Andrews,

10 Good morning. I would like to have the folks that are here to help celebrate and
11 knowledge that this is Mentor Month come up and join me at the front. One of the great
12 privileges of serving on the County Council is the opportunity to recognize good work,
13 and for the 16th or 17th year now, I think the task force began in 1989. Here we go. The
14 Task Force on Mentoring in Montgomery County continues to do outstanding work in
15 matching up the needs of folks who need mentoring with mentors. There is tremendous
16 need that is only beginning to be met, because it's a big county and there is a great
17 need, but there are many good programs in place. There is a program in place at
18 Richard Montgomery High School entering its sixth year now. There is a program at
19 Gaithersburg Middle School, which is -- High School which is has been underway for
20 well over a year. There is a program also at the Silver Spring Intermediate School,
21 Briggs Cheney Middle School, and other programs that are being looked at for
22 development. John Smith is the Chair of the Task Force on Mentoring. Darryl
23 [Gincherman] is the new Executive Director for the task force. Betty Smith a long time
24 active member in the task force. Vernon Ricks, Fred Evans, and Chris [Shunk] who are
25 all board members of the task force, and all doing good work. Fred told me about a
26 mentee that he's been working with who he met through Judge Cathy Savage, who is a
27 very strong advocate for mentoring, and who has put out a call of the need for more
28 mentors to help with children who are having difficulty and are going through the court
29 system at this point. We need more mentors and we need people who can make a
30 commitment for really at least a year. It is not something that can be done in a month. It
31 is something that requires commitment but is something that makes a long time
32 difference with these kids. On behalf of the County Council I would like to read this
33 proclamation to you, present it to you. WHEREAS: the Task Force on Mentoring of
34 Montgomery County is dedicated to mentoring as a viable resource for County children
35 and young adults needing such services. WHEREAS: conscientious efforts must be
36 made by concerned citizens to help young people develop the values and abilities
37 necessary for positive and ethical decision making and conduct. WHEREAS: students
38 success in school, home, and the community is largely determined by responsible and
39 caring adult guidance, support, and encouragement. WHEREAS: the next up and
40 coming generation will be the steward of our community and nation. And WHEREAS:
41 mentoring is an excellent way to reach community of children and youth who may be in
42 need of a helping hand to reach their full potential. And WHEREAS: the Task Force on
43 Mentoring of Montgomery County provides mentoring support to our children and youth
44 as well as technical assistance, program information, and related service to persons



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1 and organizations interested in implementing mentoring programs in their communities.
2 NOW THEREFORE BE IT RESOLVED that the Montgomery County Council hereby
3 proclaims October 2006 as Mentor Month in Montgomery County. AND BE IT
4 FURTHER RESOLVED that the County Council takes this opportunity to thank the Task
5 Force on Mentoring of Montgomery County for their dedication and hard work in
6 sponsoring and hosting its 15th annual conference on mentoring with the theme,
7 "Challenging the Gang Lifestyles, Strategies For Prevention." Presented this day to the
8 Task Force on Mentoring, signed by Council President George Leventhal.
9 Congratulations, thanks for the good work. Would you like to say a few words?

10
11 John Smith,

12 You know I always like to say a few words. One of the things I gave each member of the
13 County Council is a picture of a reception, I guess I should call it an implementation
14 reception that we sponsored at Silver Spring International Middle School, where we
15 worked with about 20 ESOL students mostly from Latin-American countries, although
16 there were some from Thailand, there was some from Africa and so on. We got the
17 mentors from Blair High School, the Sports Academy at Blair High School. We trained
18 those young juniors and seniors at Blair to be mentors to the ESOL students at Silver
19 Spring, and we did an 8-week program last school year. We are now ready to launch a
20 full school year program with some of the same students but other students that have
21 come into that classroom. I particularly like that program, because as difficult as
22 mentoring is we decided it was important to take on that challenge, working with
23 students who literally did not speak English. We had a grand time. It was wonderful and
24 it was marvelous, and I think a lot of it happens because we get support from Phil, we
25 get support from the County Council. Ike Legget is not here. Ike was one of the great
26 movers for us. Mike Subin used to come to the conferences and actually sit in on
27 workshops and lead in discussions and so on. So we have got lots of support from the
28 Council. Phil introduced you to the members of our board and they're hard working, and
29 we are going to have having a conference next Thursday at Johns Hopkins University,
30 and it's all about gangs. I don't know if I need to say any more, it's about gangs, and our
31 concern is that we want to keep our young people out of the gangs.

32
33 Councilmember Andrews,

34 What do people need to do to come to the conference.

35
36 John Smith,

37 They can call [Daryl], our new Executive Director, and you can talk do her later and get
38 her telephone number.

39
40 Councilmember Andrews,

41 Let's get it now.

42
43 John Smith,



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1 Oh it's, the telephone number is 301-330-0330. That is the telephone number for the
2 Task Force on Mentoring, and the breakfast is at -- it's a breakfast conference at Johns
3 Hopkins right here in Rockville.

4
5 Councilmember Andrews,
6 Eight o'clock next Thursday, I'll be there. Okay, very good, thank you all.

7
8 [APPLAUSE]

9
10 Council President Leventhal,
11 Thank you, Councilmember Andrews, and thank you to our mentors. Ms. Lauer, are
12 there any agenda or Calendar changes?

13
14 Linda Lauer,
15 The Consent Calendar has an additional item. It is an introduction of a special
16 preparation of \$60,240 for Senior Nutrition Services sponsored by Councilmembers
17 Leventhal and Praisner. The public member is scheduled for October 17 at 1:30. In the
18 Legislative Session we want to add August 1 Legislative Journal for approval. That is it,
19 thank you.

20
21 Council President Leventhal,
22 Thank you. And are there minutes for approval?

23
24 Council Clerk,
25 You have the minutes of September 19th for approval.

26
27 Council President Leventhal,
28 Ms. Praisner has moved and Mr. Knapp has seconded approval of the minutes for
29 September 19th, those in favor will signify by raising their hands. It is unanimous among
30 those present. We turn now to the Consent Calendar. Do I have a motion for approval of
31 the Consent Calendar? Mr. Knapp has moved, and I need a second.

32
33 Councilmember Praisner,
34 Second.

35
36 Council President Leventhal,
37 Ms. Praisner has seconded approval of the Consent Calendar. There are no comments
38 or questions. Oh yes there are, Mr. Knapp.

39
40 Councilmember Knapp,
41 Thank you Mr. President. In looking at Item D on the resources for the soccer clubs
42 playing at the SoccerPlex. Is that going to be administered through Park and Planning?
43 It wasn't clear to me.



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1 Councilmember Silverman,
2 Yes. Money goes to Park and Planning, and then they'll work out the logistics of the
3 requests.

4
5 Councilmember Knapp,
6 So the clubs would certify that they fit, and they'd send their requests to Park and
7 Planning. Park and Planning would be responsible for that?

8
9 Councilmember Silverman,
10 Yes, the money is not going to the foundation.

11
12 Councilmember Knapp,
13 Okay great, thank you. Ms. Floreen.

14
15 Councilmember Floreen,
16 Thank you Mr. President. Mr. Levchenko wanted to clarify, or provide us with some
17 information with respect to Item C. Let's hear it Keith.

18
19 Keith Levchenko,
20 The resolution notes the Executive has signed the letter of certificate regarding the bond
21 refunding. It has been forwarded to the Executive, although we have not received it yet.
22 Although we've heard indication from the Department of Finance that he intends to sign
23 it. So, we'll just have to tweak that resolution slightly to be more accurate to where we
24 are today.

25
26 Council President Leventhal,
27 Okay. That is it for the consent Calendar, those in favor of its adoption will signify by
28 raising your hand. It is unanimous among those present. We now have action on a
29 couple of significant supplemental appropriations. First is \$2.8 million for the
30 Germantown Big Business incubator... and second on the agenda is the acquisition of
31 the Goldenrod Building next door to Montgomery College-Germantown. We could do
32 both of these items en bloc if that were the will of the Council. I see Mr. Knapp's light is
33 on, Mr. Knapp.

34
35 Councilmember Knapp,
36 Thank you Mr. President. I just want to again extend my appreciation to the College,
37 and to the Department of Economic Development for the speed with which they've
38 moved on this. Because as I think all of my colleagues are aware, we're looking at
39 expanding Life Sciences Park at the Montgomery College campus. This building is
40 immediately adjacent to that facility, and will serve to jump start that activity, but more
41 importantly will really allow to provide services to our Montgomery College students
42 very, very quickly. This past year, nearly a thousand students were turned away from
43 Montgomery College because we didn't have the capacity for science classes. This
44 building will allow us to provide space for those students. In addition as I raised last



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1 week, and at the Committee discussion, I had asked as to whether or not it may make
2 sense to look at additional, outfitting this incubator to look at some of the needs for our
3 businesses that are growing from our current incubators that are in that intermediate
4 step to move into manufacturing of actual products. What issues might be available or
5 needed for them to grow and be successful. I thank David Edgerley for providing me
6 some resources along those lines. One of the things that has come up in talking to both
7 the industry and our Economic Development folks, is the need to look at potential
8 cleanroom space. University of Maryland Biotechnology Institute last week opened a
9 significant manufacturing facility at the new car plant, or new car facility. One of the
10 things that we don't have right now, great access to either Montgomery College or for
11 our growing businesses is the ability to access cleanroom space. So the Department of
12 Economic Development has given three options. Ranging from just outfitting cleanroom
13 space to providing a, make sure I know what this one is, a sensitive compartment and
14 information facility or a skip space, and then upgrading expanded skip space for a total
15 of \$507,000. I'm not going to propose that right now what I was going to propose in
16 addition to 2.8 million that has been recommended for the Germantown business
17 incubator, is to increase that by \$200,000 which would allow for hardwall modular
18 cleanroom and general labor and outfitting, so that this facility would have cleanroom
19 space which I think would be viable and helpful for emerging businesses. I spoke with
20 Larry Tamarkin. CEO, CytImmune Sciences, who is in this week's "Washington
21 Business Journal" talking about the needs and the resources we need to really emerge
22 in the area nanotechnology. One of the things that Larry was talking about was the
23 ability to have a place for our students to be able to train in good lab practices and really
24 focus on the engineering and manufacturing piece, and that our businesses have the
25 exact same need. We have great researchers and great academics. The challenge that
26 we have in this region is to get from that into the actual business of manufacturing
27 product. And so I would make a motion to increase the first supplemental for \$2.8
28 million for the Germantown Business Incubator to an additional \$200,000 to make that
29 \$3 million which would allow for the outfitting of a hardwall modular cleanroom.

30
31 Councilmember Andrews,
32 I will second that.

33
34 Council President Leventhal,
35 Okay Mr. Knapp has moved Mr. Andrews has seconded approval of both supplemental
36 appropriations en bloc. Mr. Andrews did you want to make further comments?

37
38 Councilmember Andrews,
39 Brief comment, thank you Mr. President. As Councilmember Knapp indicated the
40 college is experiencing a problem in not being able to admit students who would like to
41 attend because of lack of space. That's the greatest threat the college faces is literally
42 the lack of space to take students who would benefit greatly from the college, but can't
43 access the courses they need because the college is simply running out of space. If we
44 were to maintain Montgomery College's policy of open admissions we have to continue



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1 to address this issue, and that's why this is an important supplemental that we should
2 support.

3
4 Council President Leventhal,
5 Ms. Praisner.

6
7 Councilmember Praisner,
8 Well, I have one question on the amendment. I am assuming, Mr. Knapp, \$2,200,000
9 doesn't just round it up to \$3 million, but it is related to the specific cost for that item? Is
10 it \$200,000, somebody has verified that?

11
12 Councilmember Knapp,
13 I've gotten a -- I can share this with you, I apologize I didn't get this until late yesterday
14 afternoon. There are three options. The first option is for a cleanroom, which is a
15 hardwall modular cleanroom, which is \$150,000, the general labor and outfitting is
16 \$50,000, it rounds to \$200,000. I will provide you with a copy of this.

17
18 Councilmember Praisner,
19 That is fine. I then support the amendment and also support these two appropriations. I
20 think they are consistent with everything we have wanted to do both from a business
21 incubator perspective and for the college from the standpoint of space. But as is noted
22 and has been noted on both of these items that does not speak to all of the needs that
23 we have either for the college and that is going to require, I think, in the next four years
24 a more aggressive effort at the state level to have the state recognize as the task forces
25 and reports have done the significant gap in classroom space. There is also, though, a
26 need for us to think about how we deliver education at the higher ED level, and the use
27 of technology and just general office building space. It can be used for some of the
28 classroom use. To that end there is another business incubator and education site that
29 sits wallowing because of its relationship to site two and WSSC. For my view the next
30 Council's number one agenda in that area is going to be to free site two from WSSC
31 and move this along, because as Germantown has a need, so does this county, and
32 we've got to move aggressively. Classroom space can play an integral part of that as
33 well.

34
35 Council President Leventhal,
36 Thank you, Ms. Praisner. Now before the Council are the two supplemental
37 appropriations: \$2.8 million for the Germantown Business Incubator and \$4 million for
38 acquisition of the Goldenrod building. We can do this with a show hands, right? Those
39 in favor of the two supplemental preparations will signify raising their hands. It is
40 unanimous among those present. We are in District Council session. We have a Zoning
41 Text Amendment before us relating to the TOMX/TDR zone, Transit Oriented Mixed-
42 Use TDRs, and the PHED Committee has approved this. Mr. Silverman.

43
44 Councilmember Silverman,



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1 Thank you, Mr. President. The PHED Committee recommends unanimously approval of
2 the ZTA 06-14 with amendments clarifying the following which is when TDRs will be
3 required, standards for consistency within adopted sector plan, and requirement for
4 workforce housing. Committee came to the following conclusions regarding TDRs.
5 Shady Grove Sector Plan's guidance for requiring TDRs should be implemented in this
6 Zoning Text Amendment. Any requirements for TDRs beyond those identified in the
7 Shady Grove Sector Plan would create unexpected burdens for developments. In other
8 words these zones are being acted upon to implement the decisions that we made in
9 the Shady Grove Master Plan, and the Committee was clear that while staff raised a
10 variety of issues, that we didn't want to revisit or potentially undo decisions that we
11 made in the Shady Grove Master Plan, and we know there is an Ag. Advisory
12 Committee that's looking at TDRs countywide, and expect those recommendations will
13 come forward some time around Christmas time, and then the next Council can review
14 how to presumably increase TDR opportunities, but that we didn't want to change what
15 the assumptions were that went into the Shady Grove Master Plan. There were
16 significant obligations under the Sector Plan for Shady Grove already existing for new
17 developments like trip mitigation requirements, and other public amenities. And
18 requiring a different ratio for the number of dwelling units allowed for each TDR
19 purchase for multi-family developments, and requiring TDRs for commercial floor area
20 should await a Countywide approach. There were a couple of minor changes that the
21 Committee adopted to clarify the number of TDRs required for townhouses. The
22 Committee also recommended amendments to require the conformance of new
23 developments to numeric limits of floor area ratio, dwelling units per acre, building
24 height and set backs in the applicable Master Plan or Sector Plan. In all other respects
25 new developments are required to be consistent with the applicable plan, and the
26 Committee recommended a provision for workforce housing. Jeff, do...

27
28 Jeff Zyontz,
29 We need this provision.

30
31 Councilmember Silverman,
32 Right, we need it here. We'll talk about it in RMX zone later, okay. That's the
33 Committee's recommendation. I am open to questions or comments, Mr. President.

34
35 Council President Leventhal,
36 Thank you Mr. Chairman,. Mr. Knapp.

37
38 Councilmember Knapp,
39 Thank you Mr. President, and I thank the Chair for his explanation, and I don't disagree.
40 I guess the question I would have is by taking the action that we do here, should the ad
41 hoc Ag Advisory group that we have coming back make recommends that we increase
42 TDR receiving areas or increase the ratios, how would -- out of curiosity, how would we
43 go back and modify something like this to address it in a logical place to try to address
44 it, like the Shady Grove Master Plan?



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1
2 Marlene Michaelson,

3 In the past the Council has had a policy not to apply TDRs unless you are
4 simultaneously increasing density. And so a real question would come up, we'd be in
5 new territory of saying we have just approved a plan that provides this new density,
6 would the Council want to revisit it and say that newly given density could only be
7 applied through TDRs. That would be contrary to the policy you had in the past, but as I
8 said it's a recently approved plan, so it would raise a lot of questions. I am not sure we
9 have an easy answer, that would be the policy debate that you would have to have is
10 whether, if you decide to add TDRs to commercial and mixed-use zones, would it only
11 be for the future increases in density, or would you revisit once recently approved?
12

13 Councilmember Knapp,

14 And it wouldn't, the issue relates to this, it would be the same issue we'd have to
15 address with every area.
16

17 Marlene Michaelson,

18 Yes every area that had a prior increase, exactly.
19

20 Councilmember Knapp,

21 Okay, thank you.
22

23 Council President Leventhal,

24 I see no further comments or questions. Those in favor, oh, let's have the clerk call the
25 roll, ZTA 06-14.
26

27 Council Clerk,

28 Mr. Denis?
29

30 Councilmember Denis,

31 Yes.
32

33 Council Clerk,

34 Ms. Floreen?
35

36 Councilmember Floreen,

37 Yes.
38

39 Council Clerk,

40 Mr. Silverman?
41

42 Councilmember Silverman,

43 Yes.
44



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1 Council Clerk,
2 Mr. Knapp?

3
4 Councilmember Knapp,
5 Yes.

6
7 Council Clerk,
8 Mr. Andrews?

9
10 Councilmember Andrews,
11 Yes.

12
13 Council Clerk,
14 Mr. Perez?

15
16 Councilmember Perez,
17 Yes.

18
19 Council Clerk,
20 Ms. Praisner?

21
22 Councilmember Praisner,
23 Yes.

24
25 Council Clerk,
26 Mr. Leventhal?

27
28 Council President Leventhal,
29 Yes, it a, the ZTA is approved 8-0. We are now on ZTA 06-15: Residential Mixed Use
30 Development, RMX-2C/TDR. We have also got a favorable recommendation from the
31 PHED Committee on this. Mr. Silverman.

32
33 Councilmember Silverman,
34 Thank you. In connection with this ZTA again which was tied into the Shady Grove
35 Master Plan discussion that we had. The Committee unanimously recommended
36 approval with amendments clarifying the following issues; the number of TDRs required,
37 standards for consistency within adopted sector plan, requirements for workforce
38 housing and grandfathering existing building and usages. The Committee came to the
39 following recommendation regarding TDRs. Requirements for TDRs beyond those
40 identified in the Shady Grove Master Plan would create unexpected burdens for the
41 developments which were approved as part of the Sector Plan. That there are
42 significant obligations both public and private on development in Shady Grove under the
43 Sector Plan which already exists for new developments, and requiring a different ratio
44 for the number of dwelling units allowed for each TDR purchased for multi-family



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1 developments, and requiring TDRs for commercial floor area should await a Countywide
2 approach. There are minor changes clarifying the number of TDRs required for
3 townhouses. There are amendments to require the conformance of new developments
4 to set numeric limits of floor area ratio dwelling units per acre, building heights and set
5 backs, and the applicable Master Plan or Sector Plan. And in all other respects new
6 developments are required to be consistent with the applicable plan. Now we get to this
7 Jeff.

8
9 Jeff Zyontz,
10 Staff was a little aggressive on providing for workforce housing in this zone, principally
11 because this zone is not applied within a Metro Station Policy Area. There is a section in
12 here starting on line 70 going to line 81 which really has no effect on Shady Grove, and
13 we might as well not have it in this and do it if ever this zone is applied within a Metro
14 Station Policy Area. I would recommend excluding those lines.

15
16 Councilmember Silverman,
17 Lines?

18
19 Jeff Zyontz,
20 170 to 182.

21
22 Councilmember Silverman,
23 170 to 182, that's on Circle 11. Okay, Committee members okay with that? Okay we will
24 take that as a Committee recommendation then. Committee did recommend text
25 allowing existing buildings and uses to continue without the burden of a "non
26 conforming" classification, and finally the Committee recommended deletion of a
27 redundant revision to require project plans for each stage of development. That's the
28 Committee recommendation
29 Council President Leventhal,
30 Okay, are there any comments or questions from Councilmembers? Mr. Knapp is
31 thinking about it.

32
33 Councilmember Knapp,
34 Thank you Mr. President. So the effect of what we just took out is 170 to 182, we've
35 done that until we can come back and kind of revisit it with greater clarity?

36
37 Councilmember Silverman,
38 No, we're taking it out.

39
40 Jeff Zyontz,
41 We would take it out, if you ever applied this zone within a Metro Station Policy Area
42 and workforce housing applied, then we would come back and add a similar section.

43
44 Councilmember Knapp,



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1 Okay, thank you.
2
3 Council President Leventhal,
4 Okay, the clerk will call the roll.
5
6 Council Clerk,
7 Mr. Denis?
8
9 Councilmember Denis,
10 Yes.
11
12 Council Clerk,
13 Ms. Floreen?
14
15 Councilmember Floreen,
16 Yes.
17
18 Council Clerk,
19 Mr. Silverman?
20
21 Councilmember Silverman,
22 Yes.
23
24 Council Clerk,
25 Mr. Knapp?
26
27 Councilmember Knapp,
28 Yes.
29
30 Council Clerk,
31 Mr. Andrews?
32
33 Councilmember Andrews,
34 Yes.
35
36 Council Clerk,
37 Mr. Perez?
38
39 Councilmember Perez,
40 Yes.
41
42 Council Clerk,
43 Ms. Praisner?
44



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1 Councilmember Praisner,
2 Yes.

3
4 Council Clerk,
5 Mr. Leventhal?

6
7 Council President Leventhal,
8 Yes, the ZTA is adopted on a vote of 7-0. I need to go back to the special appropriation
9 that we passed and clarify Mr. Knapp that your motion to approve the two special
10 appropriations, in the special appropriation for the Goldenrod building added the
11 \$200,000 that you mentioned in your remarks. We didn't take a separate vote on that
12 amendment, but my understanding is it was included in your motion, is that correct?
13 Okay.

14
15 Councilmember Knapp,
16 For the first one, because it was for the incubator, so the \$2.8 million in total was \$3
17 million for a total, I think, of 7.1 for all of them combined.

18
19 Council President Leventhal,
20 We thank you for the clarification, so that was included in the motion. Okay, we're back
21 in District Council, and we now have the Shady Grove Sectional Map Amendment
22 before us. The PHED Committee recommends approval, Chairman Silverman.

23
24 Councilmember Silverman,
25 Yes, during the course of the adoption of the Shady Grove Sector Plan, which was
26 adopted in January 17th, 2006. It seems like yesterday. There was a requirement for a
27 Shady Grove implementation plan. The Committee is recommending... reviewed the
28 implementation plan and recommended the following changes. This is on the bottom of
29 page 2 of the packet where we are recommending the following changes. Emphasizing
30 the roll of staging and plan implementation and using the technical work group to clearly
31 define the measurements used to determine when staging triggers are met. Ensuring
32 that the measurements are used consistently across properties, and monitoring
33 progress towards staging limits. We also indicated that, want the plan to indicate that
34 the Advisory Committee should recommend public outreach strategies to ensure that
35 residents and businesses are kept informed of development and planning issues in
36 Shady Grove. Those are underlined in the attached revised plan. There were some
37 additional comments on transportation issues which were provided by Glenn Orlin at the
38 end of the memorandum. Marlene, we took care of the SMAs already, correct?

39
40 Marlene Michaelson,
41 No the SMA had not been before the Council. The Committee took up the SMA this
42 summer but deferred Council action until you saw the implementation plan. And so now
43 the SMA is before the Council for action.



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1 Councilmember Silverman,
2 Okay, right, and I am trying to find... is it 48 and 50?

3
4 Marlene Michaelson,
5 Yes at the end is the SMA resolution and the typical staff report, and I just want to note
6 that although it says the Committee recommends approval as submitted, there were a
7 couple of changes that were...

8
9 Councilmember Silverman,
10 I was looking to find where this was looking to find where it was.

11
12 Marlene Michaelson,
13 If you look on page two that summarizes the minor, the issues...

14
15 Councilmember Silverman,
16 There were minor changing we had to make in the SMA, and they are contained on
17 paragraph two. We had received testimony on behalf of Betty Casey... requesting a
18 rezoning of these properties during the SMA process. Which the Committee did agree
19 with since is I-3 is a floating zone that can be applied by local map amendment or at the
20 time of the SMA if requested by the property owner and agreed to by the Council. So,
21 that would be now, and the Committee supports the request. They also got testimony
22 from Joseph Parello and Patricia Reyes objecting to certain elements of the plan, but
23 we did not recommend changes. Excuse me because we did discuss those during the
24 Master Plan process and this SMA reflects decisions that we need during the course of
25 the sector plan. Finally, we had some technical changes in terms of the index to parcels
26 to clarify and properly label certain properties. So, we're recommending unanimously
27 approval of that also.

28
29 Council President Leventhal,
30 Mr. Andrews.

31
32 Councilmember Andrews,
33 Thank you Mr. President. It does seem more than nine months since we took this up.
34 My view on this is still the same that the 6,300 homes that have been approved by the
35 Council for this area are too many given the already high congestion in the area. I am
36 not going to support the Sectional Map Amendment. I do want to see citizens involved
37 in the implementation plan and I am all for a good implementation plan and for reaching
38 out to the Community, having an advisory committee, and we're not formally voting on
39 that today, we're voting on the Sectional Map Amendment. So, I will vote against the
40 map amendment.

41
42 Council President Leventhal,
43 Mr. Knapp.



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1 Councilmember Knapp,

2 Thank you Mr. President. We are voting on the SMA, but does the implementation plan
3 come back to us for a vote at any point in time?
4

5 Marlene Michaelson,

6 No, this is something you asked the planning staff to prepare and for you to have an
7 opportunity look at it and have comments. It is not actually considered part of the Master
8 Plan, and there's no formal role. But certainly they welcomed any comments from the
9 Committee and the Council.
10

11 Councilmember Silverman,

12 If may, Mr. Knapp, at least on one thing that I think the Council needs to track since
13 there seems to be some difference of opinion about something. We gave, when I saw
14 we, the Council specified that there is a two year period of time in effect for the
15 scenarios involving the County service part to play out. There seeming to be as I
16 understand it this morning some confusion about when the two years start. My
17 understanding is that it starts at the time we adopted the Master Plan which is in
18 January. We are now in September. So for those who I guess this might address Mr.
19 Andrews' concern. If you want less housing then nothing happens with the County
20 service part that's certainly one way to address the issue. If you want to see the goals of
21 the Master Plan fulfilled, as reflected by a majority of the Council, then somebody will
22 have to crack the whip to get moving on this issue, because we're now at the nine
23 month mark. So, that's how things will play out.
24

25 Councilmember Knapp,

26 I guess the biggest issue I see, and it is addressed here as County Executive oversight,
27 that I think it is clearly the one thing we have seen from a Clarksburg perspective as it
28 relates to implementation is the ownership and accountability, and I don't know at what
29 point, and this doesn't really talk about the timing of the identification of this position, but
30 I think as far as the plan itself we need to make sure that it includes in here some
31 element that says when that person is best to be on board. That would come back to
32 the Council at some point so we can be sure that that in fact, does occur. If it doesn't we
33 have the ability through the budget process, something else to make sure there is an
34 owner of that process. I think it's good, I think from what I can see it reads all of the right
35 people will be in the room, but we've had a lot of the right people in the room, it's just a
36 matter of who owns making sure all of those people do the things that need to get done.
37 So to the extent that that timeframe could be added to the implementation plan as to
38 when that person will be brought on board, and then that brought back to the Council I
39 think would be helpful. Thanks.
40

41 Council President Leventhal,
42 Ms. Praisner.
43

44 Councilmember Praisner,



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1 I think it is clear from our conversation in the PHED Committee that we have got a
2 rather rigorous schedule ahead especially at it relates to the school system parcel
3 question. We also have the potential for a plan, a wonderful paper plan with lots of
4 options that never see real reality unless we move in a collaborative and concerted
5 effort. For whatever reason we are nine months past the implementation of the plan,
6 and granted we haven't done the rezoning until today's action. And it is a very
7 complicated process, but it is clear that we have to ratchet it up and get it in gear. I think
8 Lisa Rother wants to perhaps, because she's joined us wants to make some comments,
9 but the reality also is that with the transition that we have in elected office, it's critical
10 that this be high on the burner for the new County Executive, and also that we
11 implement a method for insuring that the Council stays, probably through its PHED
12 Committee, stays alert to the status of all of these issues. So I would anticipate that the
13 next Council would want to have scheduled briefings on the status of the plan, and this
14 may not be the only plan for which we will want to monitor especially with the Central
15 Business District's redevelopment, I would anticipate that we'd want to know how things
16 are going. The other piece it says to me is that one of the things we have had a
17 discussion about in the Management and Fiscal Policy Committee is the myriad of
18 public projects identified in Master Plans, and keeping track of them such that both the
19 Planning Board and the Executive Branch are aware of them, both from a working with
20 the specific Departments that may be in play. Whether it is the Fire Department or Rec
21 Department or Department of Libraries or whatever, that we both plug them into our
22 Capital Budget as needed, but also have the Planning Staff aware, especially when
23 there is a need but not a specific site to be looking for sites of opportunity as activity
24 occurs or doesn't occur for sale parcels need to be looked at for some of these issues. I
25 think there is a lot of work that needs to be done, made a little more complicated by
26 transition issues to bring these departments together on a regular basis. I would hope
27 that the Council, because we have a structure in place with the Planning Board to have
28 these conversations would schedule regular conversations about that, and also keep
29 track of how we are doing on achieving what we all hailed whether we supported the
30 number of units or not. The concept of placing development near Metro Stations is one
31 that we appear to all collectively support. The question of how much is at issue, not the
32 development, but this was a very complicated plan from the beginning, and if we are
33 going to see any implementation we will have to monitor it very closely.

34
35 Council President Leventhal,
36 Ms. Floreen.

37
38 Councilmember Floreen,
39 Thank you. Well this is as Marilyn has said this is a plan that involves everybody. It is
40 going to, I think we have done what we can do at this stage of the game. The challenge
41 will be position of the next County Executive on this and what initiatives he will want to
42 implement and move forward. I would say that whoever is doing the briefing on plans
43 and progress and so forth make this a very significant priority. The challenge, the
44 reason we asked for this was because of Clarksburg and the lack of clarity in terms of



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1 responsibility. Right now as I recall we're looking at a deadline for the acquisition of a
2 school site here. Like in the next month or two, two months. Time is already running out
3 on this plan and there are costs associated with it. There were community expectations
4 associated with this plan. There is a myriad of agencies associated with coordination. I
5 think we have set it up and teed it up, but the question is whether it will really go forward
6 under the scenario that has been assumed here. This would be something where I think
7 we would like to ask Dr. Hanson to perhaps to take the lead in educating the next
8 County Executive on this one. This is such a coordination issue between agencies. That
9 might be a good way to coordinate the work both of Park and Planning, DPWT and all of
10 the other agencies that are going to need to be watching these properties and
11 communicating as to priorities, facilities, and programs. Not to mention things like the
12 Corridor Cities Transitway and all of the other things wrapped into this area of the
13 County. All of which are in various stages of momentum, but it's going to require, it's
14 going to be a yeoman's task to make this all happen in a coordinated way, with some
15 amount of predictability. As I understand it the whole process for the redevelopment of
16 the service park is still floating out there isn't it? Where is that exactly right this minute
17 Lisa?

18
19 Lisa Rother,
20 I can answer that specifically that we do have a request for expressions of interest
21 almost ready to go...

22
23 Councilmember Floreen,
24 Right, won't go out until the next County Executive approves it, right?

25
26 Lisa Rother,
27 But what I wanted to mention was that we have in the transition documents addressed
28 both of the issues Ms. Praisner had mentioned. One is the coordination of public facility
29 siting outside of the CIP and a more comprehensive structure, and also the need to
30 work on the Shady Grove implementation. One of the things we have provided in that
31 briefing is information about some of the costs that might be associated with it. We do
32 believe that we would probably need some outside help to do some of that coordination,
33 because all of our agency folks are very busy and doing things. If we had a specific --
34 either a position or consultant or something which would both take funds, but that would
35 go a long way towards making this happen.

36
37 Councilmember Floreen,
38 It's probably more than an Ombudsman position, it is a functional oversight position. We
39 sure don't want any lack of clarity in terms of responsibility. There is plenty of goodwill
40 but how you get someone to think about this in a coordinated way, I know that there
41 might be a limit to your abilities, Lisa. I am not clear on that, but we do look at you to
42 make sure this all happens. You have done extraordinary work so far, but I suspect you
43 might like a hand periodically. I think it is important to figure out to ensure that this is
44 high on the list of briefing points. I would have to say that the implementation plan, I



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1 don't remember how we put it in the Master Plan. We directed that one be created. Isn't
2 it part of the plan, the Master Plan?

3
4 Marlene Michaelson,
5 The Master Plan is approved by the Council. We certainly haven't taken this piece of it
6 this new document through a Master Plan process of public hearings, or of the various
7 stages of review. It is not an amendment. I look at it as a separate document you asked
8 to be created, and it's not part of the formal process.

9
10 Councilmember Floreen,
11 It was clearly produced as part of the directive of the Master Plan by our action here we
12 are basically approving it. I think it is important that the minutes reflect that there is a
13 plan that the Council said we must go forth and attempt to deliver it along these lines.

14
15 Karen Kumm-Morris,
16 If I may point out in your resolution and Council 's resolution it did say that the
17 implementation plan should be prepared by Park and Planning in coordination with
18 other involved agencies and presented to Council for approval.

19
20 Councilmember Floreen,
21 Okay, good so then the action today would be to approve the implementation plan as
22 well. Good. Thank you for pointing that out, Karen. Thanks.

23
24 Council President Leventhal,
25 Mr. Knapp.

26
27 Councilmember Knapp,
28 Thank you Mr. President. Ms. Floreen raised the issue, and I didn't realize this, but
29 looking back more closely on Circle 11 it does as an elementary school as a trigger for a
30 stage two school site must be acquired by December of 2006. It is October, I don't see
31 anyone from the school system here, but do we, is that process underway? And if it is
32 not acquired by December 2006 what happens?

33
34 Karen Kumm-Morris,
35 The school staff is involved in the process of appraising, they've appraised the property.
36 They have created a record plat, and the steps they still have to go through is having
37 the Superintendent approve the acquisition then, of course, the School Board, and then
38 following up with County Council approval of the School Board's budget, or advanced
39 acquisition funding to acquire. The steps as far as I know the school staff is going
40 through that process. I don't think the School Board has taken any action on this, but I
41 know they need to very quickly.

42
43 Unidentified Speaker,



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1 As of the PHED Committee last week they had not scheduled it with whatever internal
2 screening that needs to take place before something is taken to the Superintendent,
3 though we've urged them that this deadline is approaching.

4
5 Councilmember Knapp,
6 So what is the second part of that? What happens if it doesn't occur?

7
8 Marlene Michaelson,
9 The period of reservation expires.

10
11 Councilmember Knapp,
12 That parcel goes away potentially.

13
14 Marlene Michaelson,
15 Nothing happens immediately. So it is not as if on that day the reservation expires the
16 next day it is developed. The property owner, I guess, would be free to resubmit
17 something for development at that time.

18
19 Councilmember Knapp,
20 What if the date of reservation were to pass and presumably they could take the next
21 step to begin development of that parcel then presumably the price could then also
22 increase at that point, would it not?

23
24 Karen Kumm-Morris,
25 Yes, the preliminary plan for the Casey Mill Creek project was approved in stages, and
26 phase one is not the school site. The school site is phase two, and they couldn't proceed
27 with developing that until they make certain traffic improvements, and they haven't yet
28 even gotten their site plan for phase one approved. So there would be some time in
29 here to probably address this issue.

30
31 Councilmember Knapp,
32 Sounds like a pretty expensive gamble, but...

33
34 Lisa Rother,
35 Can I just add? I think that the appraisals that they're getting take into account the fact
36 that there could potentially be the development on here. So from that approved plan, so
37 it wouldn't necessarily be increased. It is substantial, I'm not sure if it would be increase
38 if time went on.

39
40 Councilmember Knapp,
41 All right.

42
43 Council President Leventhal,



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1 Okay, are there any other comments or questions from Councilmembers? I'm going to
2 vote for this SMA with some reservations. I have expressed my reservations over the
3 course of the last couple of years as we've discussed the Shady Grove Master Plan,
4 and the reservations that I expressed at the beginning, I think, have proven true here at
5 the end. I still believe that to identify major County services and say they must be
6 moved, and then asked, well where will they go? To say no that's outside our planning
7 envelope is not the same as planning. And I think that when we look at Montgomery
8 County slice by slice it does not absolve us of the need to figure out the implications of
9 our decisions on the other slices of the county. It's a big County, but it's not that big, and
10 the Planning Board is responsible for the whole thing, and so the problems that we
11 encounter now years down the road, golly gee, a lot of us predicted at the beginning. It
12 isn't that easy to move a whole bunch of functions that are not desirable in other
13 communities, and we started out with this expectation that we could just pick up many,
14 many, many, many acres of functions that most communities won't want, and to quote
15 Councilwoman Floreen, Plunk them down somewhere else, and it has developed that
16 that's not as easy as it looked ion the beginning. So here we are, we're not anywhere
17 near the end, we're not even in the middle yet, and we aren't really any further down the
18 road in realizing this vision. So, many points for creativity and vision, not a lot of points
19 for thinking through the implications of our vision, and actually realizing it. Having said
20 all that, I see that there several scenarios in this document including one that does not
21 move any functions of the Service Park. And Mr. Andrews may indeed get his wish of
22 far fewer housing units, in fact I predict that Mr. Andrews will get his wish of far fewer
23 housing units than the maximum scenario, because I will be very, very surprised if all of
24 these County Service Park functions end up moving as originally envisioned. I am an
25 optimist. That is why I ran for office. I always want to assume the best, and this is a
26 great County, and I think we can work through some of these difficult problems, but just
27 to repeat because I think the point is important. Looking at one slice of a County and
28 making decisions that clearly will affect other chunks of the County, and doing it in a
29 way that says, no we're only dealing with this planning window now, and we'll figure out
30 the other implications on other parts of the County later, is not the same thing as
31 planning. Having said that, I when vote for the SMA, a lot of work has gone into it. The
32 PHED Committee has wrestled with these issues and it does outline multiple options for
33 each of these decisions, and so I will vote for it. And we're now ready to vote. Is this is a
34 roll call or do we?

35
36 Councilmember Praisner,
37 Yes.

38
39 Council President Leventhal,
40 It's a roll call, the clerk are call the roll.

41
42 Council Clerk,
43 Mr. Denis?



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1 Councilmember Denis,
2 Yes.
3
4 Council Clerk,
5 Ms. Floreen?
6
7 Councilmember Floreen,
8 Yes.
9
10 Council Clerk,
11 Mr. Silverman?
12
13 Councilmember Silverman,
14 Yes.
15
16 Council Clerk,
17 Mr. Knapp?
18
19 Councilmember Knapp,
20 Yes.
21
22 Council Clerk,
23 Mr. Andrews?
24
25 Councilmember Andrews,
26 No.
27
28 Council Clerk,
29 Mr. Perez?
30
31 Councilmember Perez,
32 Yes.
33
34 Council Clerk,
35 Ms. Praisner?
36
37 Councilmember Praisner,
38 Yes.
39
40 Council Clerk,
41 Mr. Leventhal?
42
43 Council President Leventhal,



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1 Yes, the Sectional Map Amendment is adopted by a vote of 7-1. We are now in
2 Legislative Session. Do we have a Legislative Journal, we have two Legislative Journals
3 for approval I understand.

4
5 Council Clerk,

6 Yes, you have the journals of August 1st and September 19th for approval.

7
8 Council President Leventhal,

9 Can I get a motion to approve those two Legislative Journals? Mr. Andrews has moved
10 and Mr. Denis has seconded approval of the Legislative Journals for August 1st and
11 September 19th. Those in favor of their approval will signify by raising their hands. It is
12 unanimous among those present. We have several bills before us for introduction. Bill
13 42-06: Procurement Employee Health Insurance Requirement, sponsored by
14 Councilmember Subin. Mr. Faden I think there are going to be questions on this, and I'm
15 going to start. Here is my threshold question, just refresh all of our memory, because
16 the Council will not take this up this month. This will not come before the full Council this
17 month. Refresh our memory what happens when one Council goes out and a new
18 Council is seated to bills that may, to bills number one, and specifically to bills that may
19 be sponsored by a Councilmember who won't be seated in the next Council.

20
21 Michael Faden,

22 Bills are different from ZTAs, and other zoning actions, they do continue from Council to
23 Council. Under the Council rules bills have an 18 month active life, which can be
24 extended. There is no break when a new Council comes in. There is also no
25 requirement that a new Councilmember have been at the hearing or anything else
26 before voting on the bill. The fact that the sponsor may not be on the next Council also
27 is not relevant because the bill becomes the property of the entire Council once it is
28 introduced.

29
30 Council President Leventhal,

31 Great, thank you for that very helpful information. Mr. Silverman.

32
33 Councilmember Silverman,

34 Thank you, I would ask this of the sponsor but he is not here. So I'll ask the drafter of
35 the bill. If I am reading this correct this applies to all. When the definition of contract for
36 services would include nonprofits is that correct?

37
38 Michael Faden,

39 It would.

40
41 Councilmember Silverman,

42 It would? It would. Okay. So every nonprofit that receives a contract for services of
43 \$50,000 or more is going to be required to provide health insurance, comparable to the
44 County's plan?



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1
2 Michael Faden,
3 Yes.

4
5 Councilmember Silverman,
6 Okay. Okay, and second of all didn't we pass some legislation that touched on this
7 topic?

8
9 Councilmember Perez,
10 It was introduced. The bill gives a preference in the procurement process to those
11 seeking to do business with County government for those who provide a certain level of
12 health benefits. It is a procurement preference. It's the proverbial carrot, so it is perhaps
13 a distant relative of this bill, but it is called a sibling.

14
15 Michael Faden,
16 That bill is pending, it has not...

17
18 Councilmember Silverman,
19 It hasn't passed, it's pending.

20
21 Michael Faden,
22 It has not gone to Committee yet. Our advice is to take this bill and that bill through
23 Committee together.

24
25 Councilmember Silverman,
26 Okay, thank you.

27
28 Council President Leventhal,
29 Was part of the thinking behind this bill to address health insurance coverage for
30 domestic partners?

31
32 Michael Faden,
33 I didn't recall that coming up in the discussion.

34
35 Council President Leventhal,
36 Would it not have that effect though, since the County does provide coverage for
37 domestic partners?

38
39 Michael Faden,
40 I don't think so, because this goes. We haven't really gone to that issue, so I don't want
41 to give you any kind of conclusive answer, but I believe this would just go to the kind of
42 health insurance coverage not who other than the employee themselves would be
43 eligible for it.



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1 Council President Leventhal,
2 Okay, when this comes before Committee maybe we can look into the effect of that. I
3 guess it is up to me which Committee this would be assigned to. If we take these two
4 bills together we might want to do it jointly between MFP and HHS. I don't think the
5 procurement bill passed. Can we confirm that?

6
7 Councilmember Praisner,
8 No.

9
10 Council President Leventhal,
11 Mr. Faden says it's pending. I think it's pending.

12
13 Michael Faden,
14 It is pending.

15
16 Council President Leventhal,
17 Yeah, I'm a co-sponsor of it. It is a good bill.

18
19 Councilmember Perez,
20 I know we had the hearing, I remember we had the hearing...

21
22 Michael Faden,
23 We had the hearing and that was the last step.

24
25 Council President Leventhal,
26 So if the distinguished Chair of the MFP is amenable to that, maybe we could do it
27 jointly when we take up this discussion in the new Council. Yeah, we're not going to be
28 able to do it in the month of October. Okay, so without objection we need a public
29 hearing scheduled for October 24, and without objection Bill 42-06 is introduced.
30 Expedited Bill 43-06 Ethics Montgomery Cares Program Advisory Board. I am the
31 sponsor of this. Its purpose is to fulfill the desire of the many stakeholders in the
32 Montgomery Cares program including hospitals and community clinics that they be able
33 to participate in setting policy for the program without running a foul of conflict of interest
34 requirements. And public hearing is scheduled for October 10. Without objection the bill
35 is introduced. Expedited Bill 44-06 Parks Department Golf Courses lease with revenue
36 authority. This public hearing is scheduled for October 17. I wonder when we may not
37 consider an evening hearing for that. Let's have a conversation about the scheduling of
38 the public hearing on that. There may be some significant interest in that.

39
40 Michael Faden,
41 We don't have to make that decision at this moment.

42
43 Council President Leventhal,



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1 Right, let's explore what the interest is and the number of witnesses on that. And un...
2 actually what I'm going to do, I have not yet focused on this issue as much as I need to,
3 and I'm not sure what the timing is on this, but I'd like to wait a week and request a
4 briefing from staff on this. I see that I'm a sponsor of this, but I don't feel I am ready to
5 sponsor this yet. If we could defer this one for a week? I understand it is a courtesy, but
6 I'd just like defer this one for a week, and have a conversation with staff before we drop
7 this one.

8
9 Michael Faden,
10 Defer introduction or defer setting the hearing date?

11
12 Council President Leventhal,
13 Before introduction.

14
15 Michael Faden,
16 It is on a clock although it is not an absolute clock.

17
18 Council President Leventhal,
19 Will one week mess everything up?

20
21 Michael Faden,
22 Let me ask...

23
24 Unidentified Speaker,
25 It will shorten the advertising time.

26
27 Council President Leventhal,
28 It is an expedited bill. I am not prepared to sponsor this and introduce this at this time. I
29 understand it's just a courtesy, but I need to have a briefing on this topic. I have
30 requested it several times; I have letters to answer on it. I have not signed any of the
31 letters yet.

32
33 Councilmember Silverman,
34 I will sponsor the bill.

35
36 Council President Leventhal,
37 Okay, so we'll make Chairman Silverman the sponsor. That is fine. Let's introduce it
38 with Mr. Silverman as the sponsor. That's fine with me.

39
40 Michael Faden,
41 Okay, we'll make that change.

42
43 Council President Leventhal,



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1 And so without objection Expedited Bill 44-06 will be sponsored by Mr. Silverman and it
2 is introduced. Expedited Bill 45-06, sponsored by Councilmember Denis, relating to the
3 protection of Champion trees. Mr. Denis.

4
5 Councilmember Denis,

6 Thank you Mr. President. I am introducing this Bill 45-06 which would apply the
7 protections of the forest conservation law to individual Champion trees that are not
8 located on larger lots or in larger forests. I want to thank Ms. Praisner for co-sponsoring
9 this bill with me, and to share with the Council my reasons for introducing it. I'm honored
10 to serve as the Council's representative on the C&O Canal stewardship task force from
11 last year by Congressman Chris Van Hollen. Over the past 30 years Montgomery
12 County has seen a sharp reduction in forested land. I'm very concerned about the rapid
13 loss of urban and suburban trees in this County. Trees and urban forests offer
14 numerous community and environmental benefits. A Champion tree is the largest tree of
15 it's species in the County as designated by the County Forest Conservancy District
16 Board. Every two even numbered years the County Forestry Board solicits nominations
17 for Champion trees from April through October. A professional forester measures the
18 nominated tree and new Championship certificates are awarded in April of odd
19 numbered years as part of the County's annual Arbor Day Celebration. For example one
20 such tree in Bethesda is a new Champion weeping cherry tree. This tree has a
21 circumference of 128 inches is 32 feet tall. Its crown measures 58 feet. I understand
22 there is another such tree, a similar tree in Ashton. With this in mind I was stunned
23 recently to find that the County's forest conservation law does not expressly protect
24 Champion trees from being taken down do to development. So, we have a law that
25 alludes to the need to preserve Champion trees, but actually does absolutely nothing to
26 do so. This bill would apply the protections of the forest conservation law to individual
27 Champion trees that are not located on larger lots, or in larger forests. I look forward to
28 the public hearing on October 10th at 1:30. Thank you, Mr. President. Thank you, Mr.
29 Denis. Ms. Praisner.

30
31 Councilmember Praisner,

32 Well, I am happy to co-sponsor the legislation. I just want to make sure, as Mr. Denis
33 said in the legislation as we've introduced that it removes any requirement for a size of
34 any lot as far as protection of the tree. Since there is language as far as square footage
35 and acreage still in the legislation there elsewhere in the packet I don't want anybody to
36 be confused about the intent of the legislation.

37
38 Michael Faden,

39 That is the effect of this language.

40
41 Councilmember Praisner,

42 Okay, thank you.

43
44 Council President Leventhal,



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1 Okay without objection expedited Bill 45-06 is introduced with a public hearing
2 scheduled for October 10. Before we go to a call of bills for final reading, I just want the
3 Clerk and Staff please to note that Item N on the Consent Calendar, which was the
4 special appropriation to the Department of Health and Human Services for Senior
5 Nutrition Services should also be co-sponsored by Mr. Perez.

6
7 Councilmember Perez,

8 I was out of the room when we voted on the Consent Calendar, If you could note that I
9 voted in the affirmative on that as well. That's just the introduction. Yeah, that was the
10 introduction, but overall, I was out of the room when we voted on it.

11
12 Council President Leventhal,

13 We'll also list Mr. Perez as voting in favor of the Consent Calendar. Okay, call of bills for
14 final reading. We have Bill 34-06: Work Release Pre-Release Programs amendments,
15 approved by the Public Safety Committee. Chairman Andrews.

16
17 Councilmember Andrews,

18 Thank you President Leventhal. This is a bill to give the Department of Corrections
19 more flexibility and more time to work with inmates who are about to be released back
20 into the community. I think as all of my colleagues know up here, we have an
21 outstanding Corrections Department, and one that is working very hard to ensure
22 successful reentry. Because all of the folks that are in our Clarksburg jail are coming
23 out, back into the community. We want to make sure they come out with as much
24 chance to succeed as possible and make it a one stop in their career at the Clarksburg
25 facility and stay in the community and become productive citizens. What this would do is
26 amend the law that applies to the work release program, the pre-release program to
27 extend to a year, the amount of time that a inmate can be in it. So that the department
28 has the time they think they need in certain cases to work with inmates. So it would
29 lengthen the time an inmate can participate in the program, which should increase the
30 success of the program. The, as is indicated on Circle 23 the research literature
31 supports this in the legislation summary. The research literature supports the premise
32 that inmates who participate in a highly structured community based re-entry programs
33 for longer periods of time are more successful in reintegrating into the community than
34 those released directly from jail. That's the basis of the program to begin with, and in the
35 Department's judgment a year would give them the best opportunity to have an impact
36 with as many inmates as possible. I want to commend Stefan LoBuglio and Art
37 Wallenstein and the entire staff of the Corrections Department, in fact let's have them
38 introduce themselves at the table.

39
40 Stefan LoBuglio,

41 Good morning, I'm Stefan LoBuglio, Division Chief of the Pre-Release and Re-entry
42 Services Division.

43
44 Jim Shannon,



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1 Good Morning, I'm Jim Shannon; I'm a Program Manager down there at Personnel
2 Budget, thank you.

3
4 David Stevenson,
5 Mr. Andrews, David Stevenson, I'm just their lawyer.

6
7 Councilmember Andrews,

8 Very good, all right, never hurts to have a good one. Well, I think everyone up here is
9 aware of the good work you're doing. I hope people in the community hear about it as
10 well, because it's critical for public safety that you are successful in what you do. You do
11 work that is among the finest I have heard of in the nation, and this will increase the
12 ability to do it even better. So the bill would again lengthen the period to 12 months that
13 inmates can be in the program. It also would prohibit except with the waiver of the
14 program administrator inmates who have a criminal charge. Of course, what this does is
15 give the program administrator the ability to exclude inmates who they don't think are
16 appropriate for the program. In most cases it will be waived so they can participate in
17 the program, because that is, of course, the population you are dealing with. But they
18 need the flexibility in some cases to exclude inmates who they don't think would be
19 successful in the program or would not help others participate in the program. Then in
20 terms of confidentiality the language is amended a little bit, and I will actually have our
21 lawyer, who staffed this, describe the effect of this provision.

22
23 Amanda White,

24 Essentially the confidentiality provision is necessary for the program because the
25 department needs... Oh, Amanda White, Council staff, my apologies. The program
26 needs to be able to release information to employers that is important for their
27 employment and the Committee was concerned about the broad nature of the
28 confidentiality waiver. So the Committee agreed to a amendment that essentially made
29 the required the program administer to determine when a waver is necessary. The
30 amendment before you that was just passed out just clarifies that language. It doesn't
31 change the intent at all.

32
33 Councilmember Andrews,

34 With that the Committee unanimously recommends approval of the amendments.

35
36 Amanda White,

37 There is one other clarifying technical change, I'm sorry. At the bottom of page Circle 3
38 where it says technical amendments, not circle, I apologize, page 3 of the staff memo
39 Circle 21, it says add for the inmate after training, that should be treatment at the end of
40 the sentence.

41
42 Council President Leventhal,

43 Okay. Anything further Mr. Andrews?



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1 Councilmember Andrews,
2 That's it, the Committee recommends approval.

3
4 Council President Leventhal,
5 Okay, there are no further comments or questions. The clerk will call the roll.

6
7 Council Clerk,
8 Mr. Denis?

9
10 Councilmember Denis,
11 Yes.

12
13 Council Clerk,
14 Mr. Silverman?

15
16 Councilmember Silverman,
17 Yes.

18
19 Council Clerk,
20 Ms. Floreen?

21
22 Councilmember Floreen,
23 Yes.

24
25 Council Clerk,
26 Mr. Knapp?

27
28 Councilmember Knapp,
29 Yes.

30
31 Council Clerk,
32 Mr. Andrews?

33
34 Councilmember Andrews,
35 Yes.

36
37 Council Clerk,
38 Mr. Perez?

39
40 Councilmember Perez,
41 Yes

42 Council Clerk,
43 Ms. Praisner?

44



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1 Councilmember Praisner,
2 Yes.

3
4 Council Clerk,
5 Mr. Leventhal?

6
7 Council President Leventhal,
8 Yes, Bill 34-06 is adopted on a vote of 8-0. Bill 36-06 to establish a Forest Preservation
9 Advisory Committee has been recommended by the T&E Committee. Chairwoman
10 Floreen.

11
12 Councilmember Floreen,
13 Thank you, Mr. President. The Committee recommends approval of what we now called
14 the Forest Conservation Advisory Committee. Chairman Hanson raised some concerns
15 about it, but we felt really that in over reaching a group was a useful addition to our
16 preservation of the environment concerns that runs across department barriers.
17 Basically, the Committee made some modest changes in language, agreed that it
18 should be staffed in the Executive Branch. So I said change the name from preservation
19 to conservation, and basically supported the bill. I understand Ms. Praisner has some
20 additional language which responds to Mr. Hanson's concern. She proposes an
21 adjustment to the language on page 3 line 52, which I personally support, which would
22 say that one of the functions of the group rather than to recommend a comprehensive
23 plan, per se, then not paying the Planning Board to recommend a comprehensive
24 approach to urban forestry, which I think achieves the same results. So, I certainly
25 would support that. I don't know about other committee members.

26
27 Council President Leventhal,
28 Yeah, Mr. Perez and I and Ms. Praisner and Ms. Floreen had dialog about this over the
29 weekend through e-mail. So, if it's all right with Ms. Praisner, and it's apparently all right
30 with the Chair, we can just include that in the Committee's recommendation.

31
32 Councilmember Floreen,
33 And otherwise, so with that brief summary it's pretty self-explanatory, the idea is to
34 create some coordination between agencies and policies, and recognize the importance
35 of protecting our forest canopy throughout the County, with particular attention to urban
36 areas. So, that's the County recommendation, the Committee recommendation.

37
38 Council President Leventhal,
39 Okay, the clerk will call the roll.

40
41 Council Clerk,
42 Mr. Denis?

43
44 Councilmember Denis,



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1 Yes.
2
3 Council Clerk,
4 Ms. Floreen?
5
6 Councilmember Floreen,
7 Yes.
8
9 Council Clerk,
10 Mr. Silverman?
11
12 Councilmember Silverman,
13 Yes.
14
15 Council Clerk,
16 Mr. Knapp?
17
18 Councilmember Knapp,
19 Yes.
20
21 Council Clerk,
22 Mr. Andrews?
23
24 Councilmember Andrews,
25 Yes.
26
27 Council Clerk,
28 Mr. Perez?
29
30 Councilmember Perez,
31 Yes.
32
33 Council Clerk,
34 Ms. Praisner?
35
36 Councilmember Praisner,
37 Yes.
38
39 Council Clerk,
40 Mr. Leventhal?
41
42 Council President Leventhal,



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1 Yes, Bill 36-06 as amended is adopted by a vote of 8-0. Now before us is Expedited Bill
2 27-06: Taxicabs Amendments. The T&E Committee has worked on this for a long time.
3 Chairwoman Floreen.

4
5 Councilmember Floreen,

6 Yes, no session would be complete without a revisitation of the taxicab amendment, a
7 key platform on all of our reelection campaigns. The issues were brought to our
8 attention and Council President Leventhal and Councilmember Perez responded to
9 concerns from the taxi industry about the restrictions that were included in the original
10 draft of this legislation. The Committee worked through those, the proposals and made
11 some adjustments to the amendments as proposed. Basically, what we recommend is
12 that we continue for another year until September 1, 2007, a temporary ID card system
13 that was in effect. We did not support the proposal by industry and others to have a
14 third-party immediate background check for criminal backgrounds. There's been some
15 significant delay in the ability of the federal background check process that we hoped to
16 have available locally to address our concerns. So we felt that the response to industry
17 concerns about the ability to hire folks and get more cabs on the road was to continue
18 the temporary card system further. We also agreed that applicants for drivers
19 identification card should be required to pass the County driving test before receiving a
20 temporary ID card. The bill as introduced would have waived that requirement. The
21 Department felt very strongly that we should continue to retain it. Mr. Homes if you
22 would want to join us. Do you have any additional comments about all of this? I believe
23 that the Department is in, concurs with the Committee's recommendation, but Mr.
24 Holmes might want to make some comments.

25
26 Arthur Holmes, Jr.,

27 I am Art Holmes, Director of DPWT. The one that I had strong reservations about was
28 the one that you just mentioned, and that is having an ID card issued prior to testing.
29 With that and with the way that Mr. Faden has put in the other amendments. I am in
30 agreement with it. I would like to say that I really appreciate of him of the kind of
31 language that he put in that allows us to have that flexibility.

32
33 Councilmember Floreen,

34 And continuing, we agreed that the with some adjustments to the definition of an unsafe
35 driver, language could be clarified and specifies that's one who has received more than
36 four points, but also himself allowing DPWT further flexibility to consider other
37 reasonably verifiable evidence of unsafe or dangerous driving. Then everyone was in
38 agreement that the issuance of up to 70 new passenger vehicle licenses should not,
39 should be continued. There was some effort previously to get those available earlier,
40 and that did not occur, and the way we structured it is that we had referred to Calendar
41 years here. This was to simply extend that opportunity to get more vehicle licenses out
42 there so that service could continue to be improved with appropriate safeguards as the
43 initial legislation had intended. It takes a while, it's been kind of a bumpy road getting
44 this program underway. Satisfying the safety concerns of the department while



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1 respecting the real-life concerns of the industry, and we've tried to walk a fine line in
2 addressing both of those perspectives. I think these amendments do achieve that. So
3 that is the Committee recommendation.

4
5 Council President Leventhal,
6 Mr. Perez.

7
8 Councilmember Perez,
9 I did want to thank Mr. Faden. He spent a heck of a lot of time on this issue. There has
10 been a lot of back and forth, and I think we've all tried hard to listen to all the competing
11 considerations. What initially compelled me to bring this back to the table was a years of
12 experience. Our goal when we initially considered the bill was to increase customer
13 service and one of the effects of the bill that we passed was a year later we had a fairly
14 significant drop in the number of drivers. So we were asking the question why was that
15 the case and what can we do. The bill that was introduced actually has been amended
16 significantly as a result of the conversations that I am very comfortable with that. We are
17 trying to thread a delicate needle, because we obviously, on the one hand we don't want
18 unsafe drivers on the road, and don't want to put people in harm's way. But on the other
19 hand we have some significant needs that have been brought to our attention. In the
20 past when we have used that system there has not been, at least to the best of my
21 knowledge, a track record of putting people in harm's way. So, I think there was away to
22 come up with a middle ground, and I think this is what this bill does. General Holmes I
23 appreciate your continued participation in these conversations. I just want to make sure,
24 because again, page one is actually not what is in the bill. Is that a fair statement, Mike?

25
26 Michael Faden,
27 Page one describes the bill as introduced. The memo starting on page 2 describes how
28 the Committee modified it.

29
30 Councilmember Perez,
31 Okay, so we are back to the point where... they will have to pass the test. Paragraph
32 two, before receiving the driver's license, but I also remember a flurry of e-mails
33 indicating that the amount of time that it's taking to process the background check has
34 diminished. Now, I am seeing ambivalent body language as I make that comment.

35
36 Michael Faden,
37 The latest data indicates it has diminished, it is not optimal, particularly the federal
38 background check, the state background check also continues to improve, and the
39 Department, I believe General Holmes can corroborate, is expecting further
40 improvement it is not where the taxi companies would like it to be.

41
42 Councilmember Perez,



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1 Okay, so the temporary ID system that was in effect from '05 to '06, in which the
2 applicant only need to pass the state criminal background check to receive the 90 day
3 temporary ID. How long is that currently taking?
4

5 Arthur Holmes, Jr.,
6 About, that's taking now about ten days if we take just the CJIS test, and that's what we
7 had indicated we would do and wait for the federal time to diminish some.
8

9 Councilmember Perez,
10 So, right now if somebody comes in on a Monday morning, under this proposal
11 assuming this goes into effect, someone comes in on a Monday morning chances are
12 they are going to wait anywhere from zero to two weeks. Zero days to 14 days.
13

14 Arthur Holmes, Jr.,
15 Well, we're saying 10.
16

17 Councilmember Perez,
18 Yeah, well 10, okay.
19

20 Arthur Holmes, Jr.,
21 We're saying 10 working days, yes.
22

23 Councilmember Perez,
24 Yes?
25

26 Nancy Kutz,
27 Mr. Kelly's staff provides the actual numbers.
28

29 Councilmember Perez,
30 This is kind of the nub of the [INAUDIBLE] right now.
31

32 Nancy Kutz,
33 I am Nancy Kutz, Program Manager from the Taxicab Unit. We always have outliers,
34 and I see Lee Barns having a problem here, and he is right, we do have outliers. We do
35 have occasions where in some cases it has taken 30 days to receive the CJIS report.
36 The FBI report is a problem, and that's why the bill is mostly allowing us to issue
37 temporaries when we receive the CJIS report. The industry to their credit in some
38 cases, when the applicant is approaching industry they are taking them to Reistertown
39 to be printed right then. Sometimes, in fact, before we even see the applicant we have
40 received their CJIS report. We have never even seen the person. But we find that it is
41 taking about, anywhere from the applicants -- this is in September -- it is taking about 15
42 days to receive their CJIS report on average. It is best if they go to Reistertown to be
43 printed. There have been cases we are working one-on-one with the staff people at
44 CJIS. It seems to be a problem at CJIS, not with the FBI, but we are still having



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1 problems getting the FBI report back. So, that is the big problem, the FBI report. We are
2 seeing great results with CJIS from mid-September to today.

3
4 Councilmember Perez,

5 And tell me, I had asked if you look on Circle 54 there is an amendment by the generic
6 Councilmember from District 6. I was the person who had asked for that to be drafted.
7 My question for you is, and it was my understanding based on our public hearing, and
8 other conversation that there are a number of other industries that allow for these third-
9 party background checks. I think we were talking about Metro Access.

10
11 Arthur Holmes, Jr.,
12 Metro Access uses it.

13
14 Councilmember Perez,

15 I am wondering if we have this fail safe, so that if you get beyond 10 days what is the
16 downside of if you are delayed beyond 10 days what is wrong with having that.

17
18 Arthur Holmes, Jr.,

19 Nothing is wrong with it. I think I indicated that we could take the amendment, what the
20 amendment does and the expansion her that Mr. Faden has done. Is that they would do
21 the check within 10-day period, and also it has expanded the reach of that particular
22 investigation, and important to me is that the third-party element has to be approved by
23 the Department.

24
25 Michael Faden,
26 The provider or the third party?

27
28 Arthur Holmes, Jr.,
29 The provider, yes.

30
31 Councilmember Perez,
32 Right, it's not going to be that, right.

33
34 Arthur Holmes, Jr.,
35 As you remember, we could not get information from Metro Access so we would have to
36 do our own.

37
38 Councilmember Perez,
39 Okay. So what I am hearing you say you don't have an objection to what's in Circle 54?

40
41 Arthur Holmes, Jr.,
42 No, we are okay with the report.

43
44 Councilmember Perez,



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1 Okay, well given that I am hearing you say there are some outliers. I would offer Circle
2 54 as an amendment. All Circle 54 does, again, is if you get beyond the 10 days and for
3 whatever reason it hasn't come back, the industry at its expense not at the County's
4 expense, not at the taxpayer's expense, can go through a bonafide pre-approved third-
5 party vendor and get the approval. This is what is done in the Metro Access system as a
6 matter of course. This is the way they do all of their background checks, at least at first
7 blush.

8
9 Arthur Holmes, Jr.,

10 My concern was we don't have the data yet. The way this is written I am comfortable
11 with it.

12
13 Councilmember Floreen,

14 Mr. Holmes, are you are okay with the language 10 days or do you mean ten working
15 days?

16
17 Arthur Holmes, Jr.,

18 10 business days are okay.

19
20 Councilmember Floreen,

21 Well the way it is written is just 10 days.

22
23 Council President Leventhal,

24 So, we'll add the word business days on line 11 of the amendment. Mr. Perez has
25 moved and I have seconded the amendment regarding a back up system on the
26 background check. We have a couple of Councilmembers who want to comment. I see
27 you Mr. Shulman, but I'm going to take Councilmember comments first. Mrs. Praisner.

28
29 Councilmember Praisner,

30 Yes, I am okay with the amendment, but I want to be clear. There's that indemnification
31 from lawsuit extends in this process is that correct?

32
33 Michael Faden,

34 That is correct.

35
36 Councilmember Praisner,

37 So, the amendment applies to all of that in the same way.

38
39 Michael Faden,

40 That's right, the indemnification clause would apply to the process in this amendment.

41
42 Councilmember Praisner,

43 In this amendment. That's all. Okay, thank you.

44



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1 Michael Faden,

2 May I also mention if you are going to change the 10 business days you need to do it
3 two places, line 11 and line 8 of that amendment?
4

5 Council President Leventhal,

6 Very good, that change will be noted. On line 8, "at least 10 business days previously,"
7 and on line 11 "the previous 10 business days." Okay, Mr. Shulman, are you satisfied? I
8 will entertain a comment.
9

10 Lawrence Shulman,

11 I appreciate it. My name is Lawrence Shulman The goal was to be able to tell a person
12 coming in that it was 10 days, not 10 business days and the industry agreed we will get
13 the additional check immediately. We are taking drivers we're the only County in the
14 entire region who has to take people to Reistertown, and we ask for 10 days, not
15 business days because this is a temporary industry. These people are looking to get a
16 job today. It is extremely important to us, and that's why we are going to the expense of
17 taking people up to Reistertown. That's why we are going to the expense of getting the
18 additional report that would be approved, and so we would ask that it not be 10
19 business days, because that is three more days or four more days before somebody
20 can drive a cab.
21

22 Council President Leventhal,

23 Okay, but let me ask this question, because I recall in Committee, we are not the only
24 jurisdiction that requires these background checks and we Prince George County I think
25 did, several of the Virginia jurisdictions required the same background check.
26

27 Nancy Kutz,

28 In the state of Maryland we are the only jurisdiction that requires the FBI, but correct we
29 are not the only jurisdiction that requires background checks.
30

31 Lawrence Shulman,

32 But some of the jurisdictions permit, am I correct Nancy? Some of the jurisdictions
33 permit a temporary license before the state comes back in Maryland.
34

35 Council President Leventhal,

36 No, that's now what we heard in Committee. In Committee there were no other
37 jurisdictions that allowed the temporary licenses. I'm doing this from memory here,
38 but...I'm correct according to the County Attorney. We discussed it at length in
39 Committee, but Mr. Shulman's assertion that we're the only ones who have the onerous
40 burden of driving the applicants up to Reistertown?
41

42 Councilmember Praisner,

43 The issue is 10 days to 10 business days; it's not all these other issues.
44



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1 Lawrence Shulman,

2 No, that is right the issue is just 10 days, and that's what we were trying to do.

3
4 Councilmember Perez,

5 Well Mr. Perez is the sponsor of the amendment, what do you want to do Mr. Perez?.

6
7 Council President Leventhal,

8 10 business days or 10 days? How strongly do you feel about this Mr. Holmes?

9
10 Arthur Holmes, Jr.,

11 I'll take either one, it doesn't really...I think we should get on with it.

12
13 Councilmember Perez,

14 Thank you Mr. Holmes, I think I'll go with 10 days. We will see where the chips fall.

15
16 Council President Leventhal,

17 The sponsor now removes the word business from lines 8 and line 11.

18
19 Councilmember Perez,

20 In light of Mr. Holmes remarkable flexibility...

21
22 Arthur Holmes, Jr.,

23 You see in the amendment they have to have the third-party within that 10-day period.

24
25 Councilmember Perez,

26 That's right.

27
28 Arthur Holmes, Jr.,

29 So, it is going to be restrictive on both parties.

30
31 Council President Leventhal,

32 Okay. Is there objection to including the amendment sponsored by Mr. Perez in the bill?

33 With no objection the amendment is included. We now have before the County Council

34 Expedited Bill 27-06. The clerk will call the roll.

35
36 Council Clerk,

37 Mr. Denis?

38
39 Councilmember Denis,

40 Yes.

41
42 Council Clerk,

43 Ms. Floreen?

44



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1 Councilmember Floreen,
2 Yes.
3
4 Council Clerk,
5 Mr. Silverman?
6
7 Councilmember Silverman,
8 Yes.
9
10 Council Clerk,
11 Mr. Knapp?
12
13 Councilmember Knapp,
14 Yes.
15
16 Council Clerk,
17 Mr. Andrews?
18
19 Councilmember Andrews,
20 Yes.
21
22 Council Clerk,
23 Mr. Perez?
24
25 Councilmember Perez,
26 Yes.
27
28 Council Clerk,
29 Ms. Praisner?
30
31 Councilmember Praisner,
32 Yes.
33
34 Council Clerk,
35 Mr. Leventhal?
36
37 Council President Leventhal,
38 Yes, the bill carries 8-0. Council stands in recess until the hour of 1:30.

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1 Council President Leventhal,
2 Remember that Councilmember Denis is the next manager of the Washington
3 Nationals.

4
5 [LAUGHTER]

6
7 Council President Leventhal,
8 He wants to reassure the voters of District One.

9
10 [LAUGHTER]

11
12 Council President Leventhal,
13 Good afternoon, this is a public hearing on a supplemental appropriation to the FY '07
14 Operating Budget of the Department of Health and Human Services Children Youth and
15 Family Services Branch, for the Crossroads Youth Opportunity Center demonstration
16 grant in the amount of \$370,211. The HHS Committee is scheduled to take this up on
17 October 9th at 2:00 p.m. Anyone who wants to submit additional information for the
18 Council to consider should do so by the close of business Wednesday, October 4th. I
19 believe we have one witness on this matter. Dr. Carol Garvey, Chair of the
20 Collaboration Council for Children, Youth, and Family.

21
22 Carol Garvey,
23 Good afternoon, President Leventhal, members of the Council. I'm actually going to take
24 the opportunity to speak on two agenda items at one time. And the first one actually will
25 be a request for supplemental appropriation to the County Council's FY '07 Operating
26 Budget for sports academies, and that includes \$206,000 and some change for Paint
27 Branch Sports Academy, \$270,000 to develop a Springbrook Sports Academy, and
28 \$169,000 to expand the existing Wheaton Sports Academy. That will bring it to a total of
29 \$645,770 for all of these together. And also you were questioning \$370,211 to expand
30 the Crossroads Youth Opportunity Center. You all are certainly aware that the support
31 of after-school and out of school activities fulfills one of the key use strategies of our
32 Collaboration Council five year strategic plan to increase the availability of after-school
33 and out of school activities throughout the County. We are very pleased to see that the
34 Council identified after-school programs as a high priority for the coming year. High
35 quality after-school and out of school activity that use a positive youth development
36 philosophy, such as of that of Sports Academy and the Crossroads Youth opportunity
37 Center, allow youth in high risk areas to participate in a variety of recreation and leisure



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1 activities that otherwise might not be available to them. Ultimately these activities should
2 increase a youth's protective factors by supporting the development of positive
3 relationships with peers and adults, which optimizes the likelihood that the youth will
4 become more attached to their school and community, and will be occupied during the
5 critical after-school hours, which is when juvenile crime and other unproductive and
6 negative activities may peak. Last year the Wheaton Sports Academy served 549 youth
7 providing both structured and unstructured intramural sports and games, and also
8 provided space to work on school homework. So our funds are requested to replicate
9 this approach in several other high schools, and also to expand the very successful
10 program at Wheaton. Crossroads is a public/private partnership of the Montgomery
11 County Department of Health and Human Services Identity, Pride Youth Services, the
12 YMCA, and others. It's already reached 100 youth at risk as well as gang involved youth
13 since its opening less than six months ago in May of this year. Youth at risk in the
14 Langley/Takoma Park area now have a safe place to go to in their community, to build
15 friendships, to get academic support and mentoring, as well as connections to caring
16 adults in their neighborhood. And we have wrap around Coordinators for these kids who
17 are finding their services and supports are helping some of the most at risk youths in the
18 county, stay connected to home and community, instead of, so they do not turn negative
19 behavior, to negative behavior such as gang involvement, or risky sexual behavior.

20
21 Council President Leventhal,
22 Carol, I think your time has expired, so...oh, oh, okay I'm sorry, go ahead.

23
24 Carol Garvey,
25 Okay, I'm just about finished anyway, I did just want to say that both of these highly
26 effective programs merit expanding support, as they help our at risk youth develop the
27 relationships and habits which will enable them to navigate the dangerous shoals of
28 adolescence, and prepare themselves to become successful adults. So, I thank you for
29 carefully considering these requests.

30
31 Council President Leventhal,
32 Thank you, I apologize for the interruption.

33
34 Carol Garvey,
35 That's okay, any questions?

36
37 Council President Leventhal,
38 There are no questions thank you very much for your testimony. We appreciate it. Okay,
39 Agenda Item 14 is a public hearing on a special appropriation to the Montgomery
40 County Public Schools FY '07 Operating Budget for the Automated External Defibrillator
41 Program in the amount of \$400,000. The Education Committee is scheduled to take this
42 up on October 12th at 9:30 in the morning. Anyone who wants to submit additional
43 information for the Council to consider should do so by the close of business Friday,
44 October 6th. We have no witnesses. Ms. Praisner had a question.



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Councilmember Praisner,

I just had a comment, Mr. Hawes was here but noted there were no speakers so he left, leaving the School System ably represented by Mr. Spatz. The question that I have, which I hope the Education Committee will review is there are real complications with the legislation that was adopted, both for relating in the requirements so that's why the quantity are needed. What I wanted to understand is...two questions, one; has the school system given any thought to try to modify if legislation such that it might effect the appropriation and the quantity issues for the future? And secondly, while it addresses sports, activities, and school activities, it does not address the issue of defibrillators after-school use, and whether it's young people using the buildings after-school or it's the use of public facility evening kinds of activities. I want to understand and maybe for the packet have someone explain to us and give us assurance that the defibrillators will be available, and how they're being deployed such that they're available if they should be necessary when those more aged youth are using them those facilities in the evening. Oxymoron though it is.

Council President Leventhal,

Okay, there's a witness who wants to speak on Agenda Item 15, who's been detained. We're expecting her shortly, I'm going to come back to that. I'm taking up item 16 right now, which is a public hearing on Expedited Bill 40-06 Cable Communications Amendments, which would assure that the Cable Communications Law is consistent with Federal and state law. Clarify the scope of the Communications Cable Law and generally amend the Cable Communications Law. The Management and Fiscal Policy Committee is scheduled to take this up on October 5th at 10:30 in the morning. The record will close at the conclusion of the hearing. We have one witness Jane Lawton, Director of our Cable Office.

Jane Lawton,

Hi I'm Jane Lawton the Cable Communications Administrator in the Department of Technology Services. The head of our department, Alisoun Moore, is also in the audience. She's the County's CIO. Thank you for the opportunity to appear on behalf of the County Executive to discuss the proposed amendments to Chapters 8(a) and 11 of the County Code. These amendments before you today are intended only to clarify the scope of the County's authority over cable services and conform the County Code to existing Federal law controlling the regulation of cable television services. The amendments update the County's cable law. Previous amendments to Chapter 8(a) have focused on changes in County policy and have never addressed the shifts in Federal law regarding the treatment of franchise fees, cable modem services, and other similar technical Federal law items. While the County has always interpreted Chapter 8(a) in a manner that fully conforms to Federal law, it's evident to the Executive that Chapter 8(a) does need to be revised. These revisions will help citizens and cable providers understand what the County requires, and will avoid the appearance if the County requires anything that's inconsistent with Federal law. One particular proposed



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1 change warrants specific discussion. The Executive is proposing to move the County
2 regulation requiring fair treatment of cable modem service subscribers out of Chapter
3 8(a) the cable law, and into Chapter 11 the Consumer Protection Law. This change is
4 intended to clarify that the County is not looking to Federal Telecommunications Law or
5 cable law as a source for the County's authority to act on behalf of cable modem
6 subscribers. Rather the County has inherent police power authority under its general
7 Consumer Protection authority to protect consumers. This change will not affect existing
8 rights and remedies of the County's cable modem subscribers. The complaints will still
9 be received and handled by the Cable Office, and the Department of Technology
10 Services, and will be heard by the Cable Compliance Commission. The amendments
11 are not intended to change existing procedures with regard to complaints or regulatory
12 action by the County. I'm happy to answer any questions.

13
14 Council President Leventhal,
15 And there are several. Ms. Praisner.

16
17 Councilmember Praisner,
18 Thank you. Jane, in reviewing, I'm not sure, you're talking about both pieces of
19 legislation actually, when you talk about the consumer protection, internet access. Two
20 things; on the legislation the first item's the Expedited Bill 40-06, the amendments to
21 cable communication, I wasn't clear and I would hopefully get the Committee, you'll be
22 able to answer because I have some concern about eliminating the definition of
23 franchise agreement. We may need to modify it, but I don't, I'm not clear I understand
24 why that is being eliminated. And the Institutional Service definition as well, so if we
25 could have that conversation, finally on lines 80-81 Institutional Services, there's a
26 definition there. So it's the franchise agreement definition is being deleted, Institutional
27 Services being deleted, and under subscriber, why is the 80-81 -- wasn't sure why we
28 had the cable system added, because you're getting any cable service. So we can talk
29 about that, because maybe a subscriber is someone who receives cable service is
30 basically what we want to say. So that may be -- you may need to massage that
31 language in the whole. The other comment that you referred to is I appreciate very
32 much testimony continuation of the issues under Consumer Protection. I just think, and I
33 would ask staff -- Sonya to be clear somehow in the language that we intend in this
34 legislation to continue the enforcement responsibilities and monitoring responsibilities to
35 continue the way they are now with Cable Office and DTS. So however that needs to be
36 phrased, I want to make clear it's in the legislation and I didn't see anything about that
37 there. Thank you very much.

38
39 Council President Leventhal,
40 Mr. Knapp.

41
42 Councilmember Knapp,
43 Thank you Mr. President. Thank you Jane and I appreciate testimony and the
44 legislation. One of the questions I had was, we can clarify that with the Committee, but If



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1 we, by issuing new cable, do we need to issue new cable modem regulations by kind of
2 making this transfer, just because we're moving it from one place to another.

3
4 Jane Lawton,
5 It specifies that the County Executive will do method 2 regulations.

6
7 Councilmember Knapp,
8 Okay.

9
10 Jane Lawton,
11 And I anticipate that they'll be similar to what are enforced now, but you will have the
12 opportunity to review those.

13
14 Councilmember Knapp,
15 Okay, and then what technologies will fall under the cable modem standards now. Does
16 DSL fall under that? Do other things fall into that? As we make the modifications...that's
17 okay. We can talk about the DSL files and what will fall under those cable modem
18 standards with the new legislation, correct.

19
20 Jane Lawton,
21 That's probably something that we should discuss.

22
23 Councilmember Knapp,
24 Just to get a sense, right.

25
26 Jane Lawton,
27 And make certain we're clear on that.

28
29 Councilmember Knapp,
30 And then it was just a broad, at the end of 40-06 there's kind of a broad expansion of
31 some other consumer protection claims, which is fine, but it seems we may want to
32 provide specificity there as to what that is. It may be clear. It wasn't clear in my reading,
33 and so we may want to put something there to at least talk about it.

34
35 Jane Lawton,
36 As I recall that says something about "only by regulation", so it's like this was a concern
37 that was expressed by the Consumer Protection Office, and we discussed it with the
38 County Attorney.

39
40 Councilmember Knapp,
41 Okay.

42
43 Jane Lawton,



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1 And because it's limited to "by regulation", it's anticipated it's only these type of things.
2 The limitation on the internet service, these are customers of internet services the way
3 they're described in the new legislation. However, they're only customers of Internet
4 Services Providers who are occupying the rights of way, so that cuts out...

5
6 Councilmember Knapp,
7 It kind of narrows it down as you trace it all the way back, okay.

8
9 Jane Lawton,
10 ...to these franchises, and that's similar to what we were trying to achieve. But this is
11 something we'll discuss and try to make certain that we have it very clear for you when
12 we come back.

13
14 Councilmember Knapp,
15 Great, thanks.

16
17 Council President Leventhal,
18 Ms. Floreen.

19
20 Councilmember Floreen,
21 Thank you. Where is the Verizon agreement in this system?

22
23 Jane Lawton,
24 It's on line if you want to look at it. It's a proposed agreement and it's on line. It will be
25 sent to the Council on Thursday.

26
27 Councilmember Floreen,
28 Okay.

29
30 Jane Lawton,
31 As I understand it. It has to be sent along with the staff report, and the staff report
32 couldn't be written until we had the public hearing, and these are all in very expedited
33 time frames. So we had the public hearing last Thursday. We're compiling those
34 descriptions of that input, make any decision on whether there are any changes. We
35 had two meetings, or three meetings with the municipalities. We had some input from
36 theirs. Any changes that are going to be made before he transmits it formerly to you are
37 being made, but if you need to see any document related to it, it's online.

38
39 Councilmember Floreen,
40 No, I'm not desperate to see it, but I wanted to understand what, if this has a
41 relationship to that.

42
43 Jane Lawton,



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1 It has a relationship in that in our, you know, in our mediated negotiations and also
2 because of the lawsuit, it became clear that our law, we're not, we weren't doing
3 anything that was against Federal law, but we hadn't updated the terminology in our law
4 to meet what the Federal government had, the changes they had made with regards to
5 cable modem service, i.e. then in the lawsuit the, you know, Verizon was able to claim
6 certain things that, there was no substance that we were trying to do that, but because
7 the law read wrong they could make that claim, and so we felt like it was an opportune
8 moment to change that, and that's for the one that has the amendments to Chapter 8(a).
9 Those are to conform with Federal law, and then the cable modem standards, obviously
10 is also a result of our negotiations. Wasn't a direct result of it, it's just that in looking at it,
11 even when we passed it originally, we knew that it would probably would be better to
12 have it under our general Consumer Authority rather than under the cable law, because
13 again it confuses, because it's bringing something cable modem related under cable
14 law, and since the Federal government has said cable modem services are information
15 services then they have them in a different category. So, it was better to bring it out of
16 that, and make it general Consumer Protection Law, rather than under the Cable Law.
17 It's something we considered before too.

18
19 Councilmember Floreen,

20 Well, I guess it would be helpful when we finalize our action on it to understand what
21 parts of this are driven by the Verizon presence in all of this. And Sonya you're doing
22 this? If you all might help us out by referring to those elements.

23
24 Councilmember Perez,
25 I saw that.

26
27 Jane Lawton,

28 Well, I think the way it's driven by the Verizon lawsuit is that, it was made clear to us
29 that some parts of our law, even though we were not offending Federal law in our
30 practice, needed to be updated.

31
32 Councilmember Floreen,

33 Sure, there's clean up I don't doubt that, and I'm just trying to understand if there are
34 elements that this is designed to...

35
36 Jane Lawton,

37 Be substantive changes, yeah I understand what you're asking and I don't know that
38 there are, but we will certainly look for those, and be happy to fill you in on it.

39
40 Councilmember Floreen,

41 If you could identify them as it gets worked through. Thanks.

42
43 Council President Leventhal,
44 Okay, thank you, Jane.



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Jane Lawton,
Okay.

Council President Leventhal,

Okay, we now turn back to Agenda Item 15, which is a public hearing on a special appropriation to the FY '07 Operating Budget of the Department of Recreation for the Paint Branch Sports Academy in the amount of \$206,270, the Springbrook Sports Academy in the amount of \$206,270, and the Wheaton Sports Academy in the amount of \$169,230. The PHED Committee work session will be scheduled at a later date. Anyone who wants to submit additional information for the Council to consider should do so by the close of business Monday October 9th. We have three witnesses, Stacy Gurian-Sherman, Linda Johnson, and James Erickson are all three here? If they are here, please come forward. Ms. Gurian-Sherman you are first. As soon as you're ready please press the button in front of your microphone and proceed.

Stacy Gurian-Sherman,

Thank you very much. My sincere thanks to the Council for this public hearing and the opportunity to discuss both my concerns and visions for after and out-of-school school opportunities, specifically the Sports Academies. I want to particularly thank Patty Vitale and Council President George Leventhal for letting me know about this hearing on September 20th. I am optimistic this evidence is a true start of a dialogue about comprehensive programs for after and out of school I apologize with the Jewish holidays and the fact that I couldn't get scheduled until Friday for this hearing despite two weeks of trying. I had a emergency problem this morning with my husband, and having to take him to an ophthalmologist. I have one copy of my rather lengthy packet, and so I can leave that.

Council President Leventhal,

Leave that with the clerk and we will have copies distributed.

Stacy Gurian-Sherman,

Thank you, I appreciate that. I am back before the Council again as I was in the fall to oppose the current funding for the sport academy. However; I have to state unequivocally, categorically, and emphatically that I am not opposed to sports academies; I am not opposed to after-school funding. My organization provides skills programs, conflict resolution, and career exploration particularly for youth in the juvenile justice system. I have been advocating for these opportunities since I was a public defender in California 20-25 years ago. So, I know the importance of them. However; I have believe quite strongly that these programs have to be accountable, transparent, fiscally prudent, and they have to be part of a comprehensive overall scheme for after and out of school programming. What we have now with this budget and with the previous Blair Sports Academy budget is kind of a piece meal approach to this high school here and that high school there. I really believe strongly that we need to look at



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1 the high school after-school programs in the same way that the Council came to the
2 decision to fund the middle school Rec Extra programs, not in some middle schools, but
3 all of them. There isn't one high school in the County that doesn't need this kind of
4 programming. They don't all need the same level of funding; they don't all need the
5 same programming. One size does not fit all. Sports Programming is not going to work
6 for all of the kids who need it at Blair or Wheaton or Paint Branch or Springbrook. In
7 fact, we insults them by saying the only thing that will engage them is sports. Academics
8 will engage kids if you're sincere about it, and you have high expectations and a quality
9 program. Service learning opportunities, opportunities to volunteer, to give something
10 back and get self-esteem from that is something I advocate in my organization, and we
11 have seen this -- the 100 percent success. We have never had a youth who has come
12 into our programs, or asked for services where we've said you might want to do
13 volunteer work, where it hasn't benefited that student and gotten them engaged. The
14 problem with high school these days is you have to find a niche, especially at a school
15 like Blair with 3400 kids, those are fast moving waters, and if you have been forgotten in
16 middle school you can forget about being noticed in high school until you're pushed out
17 or dropped out at age 16. It's a disservice to those kids; it's a disservice to our
18 community because the fact of the matter is we need them for our workforce. The other
19 problem is...if I can just finish my thought, we need these after-school programs
20 because in 2009 we're going to have the shock of our lives when those high school
21 exams come out. I was just at a meeting looking at the beautiful new Student Activity
22 Center at Montgomery College, which is literally across the street from my house, and
23 the provost of that campus said half of the Montgomery County high students that come
24 into Montgomery College are not ready to take credit courses. They have to take
25 remedial courses. This does not auger well for us.

26
27 Council President Leventhal,
28 We need you to wrap up now, Stacy.

29
30 Stacy Gurian-Sherman,
31 I have a plan. I'd like to see the sports academies, other academies in a comprehensive
32 approach and seeing that funding is made available to all the high schools, and I will
33 leave this with the Clerk.

34
35 Council President Leventhal,
36 We will ask the Clerk to distribute that to Councilmembers, thank you for your testimony.

37
38 Stacy Gurian-Sherman,
39 Thank you very much.

40
41 Council President Leventhal,
42 Miss Johnson.

43
44 Linda Johnson,



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1 I am Linda Johnson PTSA President at Springbrook High School, and I thank you for
2 this chance to throw Springbrook's support behind the sports academy coming to our
3 community. There are reasons why Springbrook would be a excellent choice. Those of
4 you who have visited our school have seen our hall of flags, which went up last year for
5 86 countries of birth for our incoming ninth graders. Our rising ratings in Newsweek's
6 Academics Ratings list you may have read last year. Our improving HSA scores which
7 show some encouraging trends in terms of reducing gaps between racial groups and
8 economic classifications. And with our sister Northeast Consortium Schools and
9 Sherwood last year, we held forums to address gang concerns. Out of the forums cam a
10 pledge to offer extra curricular help for our community to address prevention. We greatly
11 appreciate Councilwoman Praisner's listening and addressing our community's needs.
12 Our only concern being that our school administration and I just learned of a possibility
13 to address you yesterday. I would have brought a student to show how much the sports
14 academy would benefit their life, but did not get that chance. We would also like to be
15 involved if it does come to Springbrook in the formation of the academy. Thank you.

16
17 Council President Leventhal,
18 Thank you. Mr. Erickson.

19
20 James Erickson,
21 Thank you, my name is Jim Erickson I am the Chairman of the County-wide Recreation
22 Advisory Board. I'll be brief; I want to voice our support for this special appropriation to
23 expand the Sports Academy at Wheaton, and to institute them at Paint Branch and
24 Springbrook. The success of the Blair project and the success we have seen also at
25 Wheaton were expanded by the council in the '07 Operating Budget. This is a great
26 chance to spread it, and make it available to more at risk high school students. We will
27 send a formal letter in support of this Bill, as well as some of the area recreation
28 advisory boards. Thank you very much.

29
30 Council President Leventhal,
31 Thank you very much. Ms. Praisner.

32
33 Councilmember Praisner,
34 Thank you, I just wanted to clarify the County Council last year in making a
35 determination to expand the middle school program to all middle schools was in
36 actuality taking a program that we had endorsed in the past, One that had been cut in
37 funding that actually the Council saved by adding a few middle schools, and them
38 introducing it to all middle schools. In the concept of the Sports Academy, Stacy I
39 couldn't agree with you more that there are a variety of models and ways in which
40 attract and grab students attention. Not all of which may be athletic, but some athletic
41 seems to be a motivator to getting grades up, as has been shown. The concept for
42 expansion of academies to other high schools is not to take the middle school concept
43 and expand it to all schools because we've in essence ratified the program. The concept
44 is to evaluate different models and to see what are the indicators for continuing or using



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1 or modifying models at high schools. In essence what we are doing is not replicating the
2 Blair Academy we are looking at a variety of models. The Einstein model that was
3 funded is really not an athletic model with the school taking the leadership on the
4 academic piece but working with a nonprofit. Not in essence through the Department of
5 Recreation, but not the Department of Recreation. What is envisioned here is also
6 working with other nonprofits and having the Collaboration Council do the evaluation.
7 So where this goes if it continues after this time period, and what it looks like for all high
8 schools is still a work in progress. In my view, and at least in my consultations with
9 some of the Councilmembers who supported the approach. We are in the formative
10 stages of knowing what is the best way, and how to approach this at the high school
11 level. Given all of the conflicting demands, needs, expectations, and desires and
12 independence of high school students that may not exist with the middle school level.
13 So there is a reason why it is not at every high school because we don't know what it is
14 as yet. Given your expertise I hope you will help us to work on and look at these issues.
15 There are different folks associated. The reason why it is these schools is because in
16 consultation with the Police departments and others these are the schools that were
17 recommended by them. That is where we are. Whether we do this this year at all and
18 how many schools we do, it was an effort to try and make sure we had a variety of
19 models in this year recognizing that not all of them will be in place for the full year. But
20 to have a variety of models, so the Collaboration Council -- and Carol Garvey's right
21 behind you -- so the Collaboration Council can help us with the evaluation. The Rec
22 Department won't be doing the evaluation. The Collaboration Council will, and that will
23 help us see when these or any other suggestions that folks have work when it comes to
24 the high school level, and we don't really know that yet. I just wanted to make that clear
25 when you said we should do it at all schools, because quite honestly I don't know what
26 the "it" is yet.

27
28 Stacy Gurian-Sherman,

29 Thank you. I join with you in every single word. I mentioned in my written comments the
30 Collaboration Council. I think they are the best Collaboration Council local management
31 board in the state. I work all over the state, so I know that. I work in Baltimore with bars
32 on windows of recreation centers. I work in areas of the state that are probably most
33 people don't go into. I appreciate the Council's concern and the fact that we're going
34 forward. I don't want to say we should stop all the funding. We need to go forward with
35 incrementally putting things together, but I do think that the Collaboration Council, I
36 mentioned that in my remarks, as well as Health and Human Services. I sit on various
37 communities, have done a great job with after-school and out-of-school funding. The
38 problem I have is that we have not seen enough of the schools having control over the
39 program. With the Blair Sports Academy, for which we still don't have the answers, we
40 had the partnership with 15 different agency, community based, school based, PTA
41 partners involved recommended \$90,000 per year program. In the course of the month
42 that went up to \$318,000, and I just feel that that is irresponsible. We could fund three
43 programs for the \$300,000 that is going to Blair. The problem is that recreation may not
44 be the best vehicle for all of these programs if it increased the costs at the cost of being



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1 able to distribute it across the School Board. I think that recreation does a great job with
2 recreation. I am not convinced they do a job with academics.

3
4 Councilmember Praisner,

5 Then I think you have a misperception about who is delivering what. The Recreation
6 Department is not delivering academics; the Recreation Department is not necessarily
7 even delivering the recreation that we're talking about in all cases. I think we obviously
8 need to pursue this after and beyond which we will go on. Someone has to manage
9 contracts with nonprofits. Someone has to do the evaluation. Recreation has handled
10 the middle school program through the Rec Extra Program at middle schools. And in
11 fact every middle school does not have a cookie cutter model as far as the after-school
12 programs. You see great diversity at the middle school level just like I believe in the end
13 we will see diversity at the high school level. So, I think we need to separate the Rec
14 Department management issue and the content issue. I look forward to working with
15 you.

16
17 Stacy Gurian-Sherman,
18 Thank you.

19
20 Council President Leventhal,

21 Well, thank you to all witnesses. That concludes this agenda item. Our next item is
22 number 17, which is a public hearing on Expedited Bill 41-06, Consumer Protection
23 Internet Access, which would prohibit certain merchants from engaging in unfair trade
24 practices with respect to the provision of internet access, and generally amend the
25 consumer protection law, with respect to the provision of internet access. The
26 Management and Fiscal Policy Committee is tentatively scheduled to take this up on
27 October 5th at 10:30 in the morning. There are no witnesses. The record closes at the
28 conclusion of this hearing which just concluded. Agenda Item 18 is a public hearing on a
29 supplemental appropriation to the Montgomery County Public Schools FY '07 Operating
30 Budget for the Teaching American History Program in the amount of \$997,433. There
31 are no witnesses, and action is scheduled right now. Those in favor of providing almost
32 a million dollars to the Public Schools for teaching American history will signify by
33 raising their hands.

34
35 [LAUGHTER]

36
37 Council President Leventhal,

38 It is unanimous among those present. We now have a report from, we now adjourn as a
39 County Council and reconvene as the Board of Health. It was a Federal grant for
40 Teaching American History.

41
42 [LAUGHTER]

43
44 Council President Leventhal,



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1 Oh, and let me say, I'm sorry, before we adjourn as the County Council let me just
2 announce that the public hearing on Bill 44-06, which is the golf course lease to the
3 Revenue Authority, that public hearing will be held Tuesday evening October 24th at
4 7:30. That's a full Council hearing Tuesday evening October 24th. Okay, we now
5 reconvene as the Board of Health, and we're going to hear from our Health Officer Dr.
6 Ulder Tillman, and we're also going get a report on the Commission of Health. Greetings
7 to both of you. Dr. Tillman.

8
9 Dr. Ulder Tillman,
10 Good afternoon.

11
12 Council President Leventhal,
13 Good afternoon.

14
15 Dr. Ulder Tillman,
16 I am simplifying my presentation for you this afternoon with a power point presentation.
17 You also have the slides in your packet. I will be giving you a brief update on
18 Montgomery Cares, the Maternity Partnership, lead and water that was in our public
19 schools and the pandemic flu. While we're waiting for the slides to come up I do want to
20 also inform you that we have been successful now, that upon the passage of the County
21 ordinance to create the Advisory Board for Montgomery Cares, that it was indeed
22 created, and had it's first orientation meeting on September 26th. President Leventhal
23 gave welcoming remarks to that body, and Carolyn Colvin also attended that meeting.
24 And just about all of the members were able to attend. We were able to introduce that
25 Advisory Board to the incoming Senior Administrator for Montgomery Cares Ruth Martin
26 who is coming to us with more than 30 years of experience in working with hospitals,
27 federally qualified health centers, and primary care to the indigent and to Medicaid
28 recipients. She was introduced to the committee and they had an orientation with the
29 County Council as well as, I am sorry not County Council, County Attorney as well as
30 background on Montgomery Cares. I want to, you can go forward Jenny, let you know
31 what is in the works for Montgomery Cares that will be of help to all residents will be a
32 brochure that will show the services and clinics and health centers that are in
33 Montgomery Cares, as well as a map of the locations. We are also working on linking to
34 a website that will link with the Montgomery County government website as well as to
35 the other clinics the hospital and the primary care coalition. Just to take a look at the
36 pilots and what progress we have made with our pilots. The oral health pilot we had two
37 prongs of that oral health pilot, one was under Howard University College of Dentistry
38 that was on site at the community clinic incorporated sight in Takoma park. They had
39 done on site education, screening and referrals. That site got started late, It was
40 sometime in April that it got underway April of this year, and had 44 unduplicated
41 patients. Although there were multiple encounters for those patients, and those patients
42 did get their treatment at Howard College of Dentistry in the district. There were
43 concerns about the late start with that pilot, and a lowered than expected number of
44 referrals from CCI into that project. They also encountered challenges in terms of



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1 having enough people who could speak Spanish among the dental staff. The other
2 prong of that pilot was with the Spanish Catholic Center that worked 8 hours a week at
3 our Dennis Avenue health center in Silver Springs. This one got started actually in the
4 beginning of January of this year. Saw a 194 patients, more than 268 encounters, and
5 that was a busy clinic, and when they had overflow the then referred clients to the
6 Howard College of Dentistry for treatment if they were not able to meet the needs. But
7 that project was successful, and is continuing. What is technically not part of
8 Montgomery Cares, but did come up during the last fiscal year was the closing of the
9 Montgomery Volunteer Dental Clinic that closed on July 1. We were successful in
10 implementing a transition plan where the Department of Health and Human Services
11 took over the emergency services that were then being delivered at the Colesville
12 Health Center, and has continued to do that. It is averaging about 84 clients per month
13 meeting 3 days a week. It has been upgrading the dental operatories and recruiting
14 volunteers to essentially recreate the Montgomery Volunteer Dental Clinic model. It will
15 be moving into five days a week, 40 hours a week, including some evenings, as we
16 progress through the year. It is still our goal to release a request for proposals for a
17 nonprofit contractor to take over those services. The Behavioral Health Pilot under
18 Montgomery Cares did get started back last December. This model has been co-
19 locating with primary care providers onsite short term mental health treatment and
20 medication, and it has sited at Proyecto Salud in Wheaton. It's been very successful in
21 that it had screened 355 patients; actually had to close screening because it was
22 overwhelmingly popular. Every patient coming in did undergo that screening. 103
23 individuals came up positive on their screen and were referred, and ultimately 58
24 patients chose to participate in that pilot. What we found with the behavioral health pilot
25 is that the complexity and severity of mental health problems were greater than had
26 been anticipated so that we found a need to bring in additional specialty medical care
27 and specialty psychiatry in addition to the onsite services. We are moving in this fiscal
28 year to be able to contract with private providers as need be for the additional service
29 has would go beyond our state funded services if that is necessary. We were also
30 impressed that when I said the severity of medical problems. There was a prevalence of
31 anxiety disorders, depression, and Post Traumatic Stress Syndrome among this
32 population. So that we are adding a trauma expert to this team as well. That will be
33 happening this fiscal year. Another site of this pilot will be getting underway probably
34 this month at Holy Cross Hospital, which will also then participate in onsite behavioral
35 health services. I want to move on and talk about the maternity partnership. We last
36 discussed the capacity demand for these services which would bring prenatal and
37 delivery, dental and case management services to low income uninsured women in
38 Montgomery County. We were reaching a crisis towards the end of last year really in
39 terms of being over subscribed and Holy Cross Hospital was overwhelmed. They stated
40 last December that they would limit the number of women that they would see to 1500 a
41 year. We have been successful in bringing on Washington Adventist Hospital Health
42 Care as well as Shady Grove Adventist Hospital. So then Washington Adventist is
43 seeing what will be their 500 per year. Shady Grove took over the Picard site that was
44 formerly occupied by Holy Cross Hospital, and they will be seeing a total of 200 per



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1 year. That brings us really just short of our goal if we are going to see more than 2300
2 women a year. We've have been working with Montgomery General as well as some
3 other providers to see if we can increase that capacity. That has proven to be a
4 challenge for us. Another challenge that we have with this is that 43 percent of the
5 clients live north of Rockville. Holy cross Hospital has stated that come January of 2007
6 they will limit those women that they see to south of Rockville. And Washington
7 Adventist would like to do the same thing. That poses a serious problem for us if Shady
8 Grove Hospital can only see 200 women a year when more than 40 percent of our
9 clients are coming from north of Rockville, Gaithersburg and Germantown. That is a
10 serious concern of ours. We are continuing to work to see if we can find some more
11 providers who can participate in this program. We have become more stringent in our
12 residency screening and we thought that that was actually going to help us, but we are
13 now beginning to see that that is having little impact, and we are concerned that on
14 average when a women comes to our service eligibility unit for screening, and is
15 accepted into the program. The time from being accepted for screening and orientation
16 and then to first clinic visit is averaging four weeks. We really do not want it to get
17 beyond that. Otherwise you have to question what it is prenatal care about. So that is
18 definitely a challenge for us in this program. We are having good response from the
19 additional hospitals that have entered the program. They are very cooperative and
20 helpful to us. We just need additional capacity in Montgomery County. I want to tell you
21 about a new program that is getting underway this year. That is Community Health
22 Improvement Plan which has commonly been called our County wide health
23 assessment that has been done every five years or so. We have issued a request for
24 proposal for consultant to work with our department project team and advisory
25 committee of stakeholders to develop a community health improvement plan with the
26 focus on how to increase access to quality healthcare and to eliminate health
27 disparities. We are moving now and shifting to developing establishing an ongoing
28 process of community health assessment. We do not want to do just the static
29 assessment and then wait another five years and see where we are. We are requesting
30 the consultant would do an overview of the County in terms of not just the health status
31 of the County's residents but also the health services that we have in the County and
32 where those gaps are. We will have a health needs assessment done. We will have an
33 advisory committee that will be receiving reports from this consulting periodically and
34 given feedback, and then we will move to set the health priorities for the County based
35 on the data that is collected. We will be establishing an action agenda in terms of how to
36 address the health priorities, and we will also be establishing a surveillance data system
37 that will give us continuous monitoring on changes in health needs for our County so
38 that we can the tailor our action plans in keeping with that. It is also our goal to have this
39 to be a web based data that will be available to the public as well as providers so that
40 they understand where we are with the health status of our community, as well as the
41 health services in Montgomery County. So that RFP is expected to be completed a year
42 from now and we will see where that goes. It is also our hope that we will have enough
43 progress made on this RFP so that when the new administration comes in they can
44 participate with us and as well as County Council in terms of how we set the priorities



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1 for that action plan. I wanted to finish up in terms of lead in water with our Montgomery
2 County Public Schools. We have completed testing all the schools. Remediation plans
3 are well underway. We have been successful now in finishing the date of review and
4 remediation plans for 178 of the more than 193 schools in Montgomery County. We
5 have 12 schools that now are not needed, have no need to be in the program because
6 they did not have any fixtures that needed remediation, and as the slide shows there
7 are 143 schools in the remediation process. There are some 78 schools that have now
8 been released from the frequent flushing that was called for to make sure the water was
9 safe to drink. There are several other schools that are still undergoing remediation.
10 There are 50 schools at this point that have had fixtures replaced. We have found the
11 major problem with lead in our water has been related to fixtures and sometimes to the
12 extending pipe behind those fixtures. We have successfully are really wrapping this
13 program up. We have more than 70 schools at this time that now have posted in all of
14 their bathrooms or in their laboratories that that water is not safe to drink. We have done
15 that in multiple languages, too. Just to say briefly about Pandemic Influenza, let me just
16 say since you've got...okay, thank you, Jim, we'll stick with Pandemic Flu. This has of
17 course been much in the news.

18
19 Council President Leventhal,
20 Did we skip over HIV?

21
22 Dr. Ulder Tillman,

23 No, we will go back to it. I am sorry I have the slides out of order from your packet. Just
24 in terms of the pandemic flu. I want to say you will be getting a more thorough update
25 on this in the spring, when you have your new County Council so they can have the
26 orientation. There are some assumption and concerns about pandemic flu. If it is
27 anything akin to the Spanish Flu of 1918 that we would have 25 to 40 percent of the
28 population that could be affected. That means that one third of the Montgomery County
29 residents could become cases. More than 4500 would be hospitalized and about 1400
30 deaths could be anticipated. This is a situation that the vaccine cannot be developed
31 until it is identified what strains are circulating. It would take four to six months to
32 generate that vaccine, and we also know that antivirals would be in short supply. That is
33 why our emphasis with the Pandemic Flu has got to be on prevention, it's got to be on
34 social distancing. When there is a sign of any infection we implement and even before
35 when we have indications that it is circulating in the world that we institute various
36 measures, such as isolation which is separating the ill quarantined keeping away those
37 who have been exposed but are healthy, and cancelling all large gatherings. Doing a
38 work quarantine, doing the best we can to close our borders to and emphasize personal
39 protective measures. We have done a lot of work in this past year in terms of the plans
40 we have completed. So that in Montgomery County our Pandemic Flu and our isolation
41 quarantine plans have been completed. They've been submitted to the state for review,
42 as well as to the emergency management group. We have successfully completed a
43 regional essential needs plan, which essentially would be the information that
44 individuals need to know, as well as service providers in terms of what to do to minimize



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1 the impact of a Pandemic Influenza. We now also have an alternate care facility for
2 those that who must be isolated. That plan has been completed and is being discussed
3 regionally. We are on the verge ever piloting our computer assisted telephone survey,
4 our interview caddy technology, which comes from funding from the urban area
5 initiative, security thank you, initiative. That is a computer tracking system that will make
6 it easy to track individuals that we need to monitor daily for their symptoms and to see
7 changes. We also have a judicial enforcement work group that has been meeting for
8 some time with public health, and circuit court judges so that we can address some of
9 these challenges in terms of Federal orders, State and local orders, and being
10 synchronized. with those orders The emphasis now has got to be on the continuity of
11 operations planning that needs to be done by government agencies as well as the
12 private sector. We are working to have probably in March of next year a forum for
13 business and other industries to attend to hear more in terms of what they can do to
14 facilitate completion of their COOP, Continuity Of Operations Planning. We have a ways
15 to go. We need to do more in terms of County government in all of our agencies to
16 make sure that we've identified what our essential operations. How do we do the
17 contingency planning and move forward would that. That is where we are with that.
18 Then the next slide you have seen this before in a previous presentation in terms of the
19 Emergency Manage Group Command Structure. We have been completing the National
20 Incident Management System Training, and we are organized in terms of that NIM
21 structure having what they call simply the acronym FLOP, in terms of Financing,
22 Administration, Logistics, Operations, and Planning so that we can coordinate with each
23 other.

24
25 Councilmember Silverman,
26 Is that flop?

27
28 [LAUGHING]

29
30 Dr. Ulder Tillman,
31 It is something you don't forget. But did whole idea is to make sure we can be
32 synchronized regionally as well as federally, and follow a Federal Response Plan, in
33 terms of the command structure. Not only is the Emergency Management Group
34 organized and keeping with that Federal Response Plan but also our public health
35 command structure is following the same thing and in the next slide it will show in more
36 detail what we do. You have that in your hand out. Then the next slide really shows
37 operationally all of the different planning clusters we are working on in terms of all
38 hazard preparedness: the isolation and quarantine, the shelter management, and our
39 communications, our surveillance, our workforce development. How we would dispense
40 antibiotics and vaccinations, and then the search capacity. That is the work that we are
41 doing there. I am just noticing, Jenny if you want to go back to the HIV, cause I have
42 dropped it out of my packet, just so that we capture that. This is completion of -- that is
43 right it is in the original, the work we did following the closure of the Whitman-Walker
44 Clinic. And that we have seen more than 130, thank you. I know part of my staff that



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1 had to do the yeoman's work with doing this update. I wanted to make sure I had this
2 slide. This is for completeness that you can see that we did accept more than 130
3 Whitman-Walker patients last fiscal year. Our current caseload at this point in time is
4 702 clients for case management and primary medical care. That is a significant case
5 load. So, our case managers are now averaging a client ratio of 1 to 80. 48 percent of
6 those are women. 35 percent are over 45 years of age. When we look at the racial
7 ethnic profiles, 75 percent of the clients are African-American or black. 68 percent of
8 that group are African Nationals, 12 percent are Latino. This has expanded the demand
9 on our HIV/AIDS program. We have been able to accommodate the closure of that
10 clinic. I want to go back in terms of what we are doing for seasonal flu of 2006. We have
11 had planning groups. We have been working with the Department of Health and Mental
12 Hygiene, with other State Health Officers, and with MedImmune, so that we can bring to
13 our County and to school children the opportunity to have FluMist, that is the nasal
14 vaccine that is quickly administered. It is a weakened live vaccine that they can receive,
15 and so it eases the administration. We have support from the state, from the Centers for
16 Disease Control, and from MedImmune to make this available. We will concentrating on
17 three elementary schools that have school based health centers to do it on the shoulder
18 hours of those health centers as well as two high schools in the County to make it
19 available to school age children. This will give us an opportunity to reduce the County
20 widespread of influenza. And to actually work with the Federal government and state to
21 access a concept that was used before called herd immunity to see how effective that is
22 in terms of reducing the spread of influenza among children and their families. We do
23 have a long term goal even though this is a one time only opportunity from MedImmune
24 and from the Federal government. It is our hope that we will be able to then generalize
25 this to all of our elementary school children next year in hopes of immunizing some 50
26 percent of them in 127 elementary schools. The timing was such that we could not
27 make that available to all of our schools this year. We are doing a limited test very soon
28 in the fall. I just want to let you know in continuing to work with our emergency
29 preparedness and response. We are concentrating on special populations. We have a
30 Special Population Committee that include both public and private partners. We have
31 developed a tool kit for emergency preparedness in our long-term care facilities. We
32 have developed a stay at home tool kit that can be used for special populations and
33 others, and we also have a faith based nursing initiative. We are using a gateway model
34 for our special populations and our ethnic communities. That we are working with
35 individuals that they recognize and respect and trust to help make sure we can get
36 information about pandemic flu or emergencies to those individuals then have it
37 disseminated throughout that community. We have been doing very well with our
38 Advance Practice Center. That is one of eight nationally that is providing tool kits for
39 other local health departments as well as our own that can be replicated. The Advance
40 Practice Center has received national recognition for the work it's done in surveillance
41 dispensing long-term care in the special population. We have strong partnerships, and
42 continue to have strong partnerships with academia, with John Hopkins University,
43 applied physics lab with the Bloomberg School of Public Health as well as the University
44 of Maryland College of Engineering. This group has been successful in having peered



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1 reviewed publications for its work and continues to work with some national scientific
2 committees. We are very busy in terms of our emergency preparedness with
3 Montgomery Cares, with the Maternity Partnership. We wrapped up basically our lead
4 and water in our schools. We are continuing to, what can I say, I won't use the word
5 survive. We are continuing to work in very hard with our HIV/AIDS situation in
6 Montgomery County. I am available for questions.

7
8 Council President Leventhal,

9 Let's get the presentation from the Commission on Health so that the presentations
10 have been made fully then if Councilmembers will just hold your questions and
11 remember them we can ask questions of Dr. Tillman, and or Ms. Dark.

12
13 Okianer Christian Dark,

14 Thank you very much Chairman Leventhal. Good afternoon everyone. Thank you for
15 this opportunity to be able to speak to you on behalf of the Montgomery County
16 Commission on Health. Also here this afternoon is the Vice Chair Dan Moskowitz, who
17 is right behind me, of the Commission on Health. We have been very busy as well. As
18 you could tell, we have got the, our commission has the opportunity to hear from Dr.
19 Tillman regularly and we get excellent reports and input, and it helps us in terms of the
20 shaping of our own agenda. At the top I plan to just highlight some items from the report
21 rather they are than read the report page by page to you, because I know it's been
22 provided to you already. For our commission access has been the top priority. In
23 connection with that all of the work and effort to get Montgomery Cares off the ground
24 and going has been something that the commission has been involved in and
25 supportive of. Needlessly you have heard of very comprehensive overview of what is
26 going on with Montgomery Cares now. We want to thank you, Councilmembers, for
27 making it possible for the Chair of the commission to be a part of the advisory board.
28 We did have a very, I thought, a very good first meeting with the advisory board for
29 Montgomery Cares. It is going to be a real challenge. We have lots of work ahead, but I
30 think this is an extremely important project that we are all collectively engaged in. The
31 Commission on Health, of course, supported your efforts to increase the funding for the
32 Maternity Partnership Program as well as for the Care for Kids Program. In both areas
33 those they serve population that desperately need that kind of support. In terms of racial
34 and ethnic disparities which is another important area for us. We have continued, of
35 course, and we did last year to support your efforts in supporting the African-American
36 health program. The health initiatives directed at the Latino and Asian-American
37 communities as well. In a few weeks the commission will hold a community forum at the
38 Sligo Middle School on, it is a health forum with a emphasis on health disparities. That
39 particular forum is co-sponsored by the African-American Health Program, the Asian-
40 American Initiative -- the entire initiative, not just the cancer program -- the Latino Health
41 Initiative, Casa De Maryland, and the Community Ministries of Rockville. So we think we
42 have a pretty broad base support of partnership in this effort to have this forum at that
43 location. We plan to have a part of the program really just directed at providing a little
44 information about what we mean by health disparities. Dr. Brian Smedley will provide



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1 that presentation. It is my understanding and I want to thank you that Chairman
2 Leventhal will also be present at the forum to bring comment and greetings to those in
3 attendance. Basically the forum will begin at 7:00, I'm saying this in case anyone else
4 here would like to attend, you're all welcome, of course. We want to have about 40
5 minutes of, shall we say, content presentation and then the balance of that time until
6 about 8:30 to hear from the public generally. We are disseminating this as broadly as
7 we can across the County to encourage people to attend that forum. Another area of
8 priority that has been around obesity, childhood obesity. We have a obesity
9 subcommittee or committee. Basically what they've been able to do is get information
10 and when possible to comment on the effort to address particularly in the school to
11 address this problem. We have a member of our obesity subcommittee on the Obesity
12 Prevention Strategy Group. Then we also have provided extensive comments on the
13 Montgomery County Public Schools wellness policy and support it. Generally the Board
14 of Education new approved nutritional standards for food and beverages sold to
15 children, or should I say students. They don't like to hear children which restricts the
16 amounts of sugars and fats offered in beverages and snacks. We continue to applaud,
17 to support the efforts, seems like I'm doing an echo here with Chairman Leventhal I'm
18 going to have to start mentioning some other folks here.

19
20 [LAUGHTER]

21
22 Okainer Christian Dark

23 In terms of your efforts on this particular matter. Now while those are priority areas for
24 us as you could tell from my written comments, we're busy in other areas as well. We try
25 to remain flexible. We have a member of our commission, in fact it is the Vice Chair is a
26 member of the Senior Strategic Plan Advisory Committee. They are sponsoring public
27 forums to get information that will be part of the comprehensive strategic plan for
28 Montgomery County seniors. We feel that is important. We have involvement there. We
29 are looking forward to participating in the Community Health Improvement Plan. The
30 works on that plan and being part of the advisory committee that will be another area of
31 priority and concern over the coming year. I am going to stop there. There are other
32 things in there. Mainly to show you that we are flexible and that we adjust as the interest
33 partly the interest on the commission and also as issues arise around us. we might
34 sometimes send a member forth to a committee meeting or participate in committee
35 meeting or we might do a little mini-study on something to see if there is anything that
36 we might then recommend to you later. Anyway that is the way we have been working. I
37 will in there I want to say this, and that is we really do treasure Dr. Tillman, the
38 commission does, and so I wanted to say that for the record.

39
40 Council President Leventhal,

41 All right, thank you very much, very, very helpful. Thanks to both of you. I am going to
42 have a few questions, and other Councilmembers do as well. Let me start by saying I
43 don't need an answer now. At the appropriate time I'd like better to understand the plan
44 to integrating our take over of the services previously provided by the Volunteer Dental



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1 Clinic with the Oral Health Pilot as part of Montgomery Cares. In your presentation Dr.
2 Tillman it appears to me that these are two separate efforts. I don't need an answer now
3 but at the appropriate time in the HHS Committee, I would like to understand better how
4 those two dental health components will be integrated for the long-term. That is a
5 comment more than a question. My second question has to do with on circle seven and
6 whichever slide number you were, but in our packet it is circle seven on the behavioral
7 health you talked about you were surprised by the complexity and severity of medical
8 problems, and then as examples you described mental health problems, and I
9 understand that mental health problems are indeed medical problems. But for those
10 who have presented seeking help at Proyecto Salud for mental health and behavioral
11 health problems, are you also finding that they are, that they are leading you to need to
12 address other than mental health, health problems? In other words are people
13 presenting because they are coming for help with mental health, and it turns out that
14 they have heart disease, or they have high blood pressure, or when you say the
15 complexity and severity of medical problems is greater than anticipated, is it only in the
16 arena of mental health that that comment?

17
18 Dr. Ulder Tillman,

19 That was referring to complexity and severity of mental health problems. They are
20 coming primarily for medical conditions or medical screening. They get screened for
21 behavioral health problems as well and then referred in, and the consultant that we
22 have had in that pilot was impressed is the severity of mental health problems.

23
24 Council President Leventhal,
25 Why was that not anticipated?

26
27 Dr. Ulder Tillman,

28 I am not altogether clear on that. Because it is common, of course, to see mental health
29 problems in the primary care setting. I think they were impressed, with that particular
30 community that attends Proyecto Salud, the amount of Post Traumatic Stress
31 Syndrome. And I guess they had not anticipated that. We knew there would be some of
32 that. But I think the degree of that is what surprised them. So that they felt it was
33 important that got a trauma expert involved as well.

34
35 Council President Leventhal,

36 Can you -- and I understand that each case is different, but can you generally describe
37 the trauma? Are these traumas they experienced in the countries they came from?

38
39 Dr. Ulder Tillman,

40 For the most part, yes.

41
42 Council President Leventhal,

43 War?



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1 Dr. Ulder Tillman,
2 I don't have the detailings for that, but I can get that general description for you.

3
4 Council President Leventhal,
5 My last question is on the Maternity Partnership, you have contracts now with Holy
6 Cross, Washington Adventist, and Shady Grove. You mentioned Holy Cross and
7 Washington Adventist limiting their service to Downcounty clients. The shoe that did not
8 drop in your presentation was is not Shady Grove well suited to address Upcounty
9 needs? You didn't mention Shady Grove; I see that they've signed a contract for 200
10 patients per year. It would seem to follow naturally they are best situated to address the
11 Upcounty need.

12
13 Dr. Ulder Tillman,
14 Shady Grove Adventist has expressed the desire to limit the number of women they see
15 to 200. We have met with them several times, including with their anesthesiology group
16 that services that hospital, and that group is concerned with the shortage of
17 Anesthesiologist nationwide, that if they needed to see more woman that they would
18 need to find another Anesthesiologist to staff that hospital. They expressed a concern
19 that would be difficult for them. We are continuing to have discussions with them, and to
20 discuss that. We have been even looking at some alternative situations where if Shady
21 Grove Adventist can see more at our Picard Drive location that the woman could deliver
22 elsewhere if that is a difficulty. So that is still being explored.

23
24 Council President Leventhal,
25 Okay, every few months it seems like we're looking over a precipice where some
26 number of pregnant mommies are not going to get care, are we facing that again in
27 January?

28
29 Dr. Ulder Tillman,
30 We knew at the outset or we certainly knew by June of this year, with the number of
31 women who came in, that if we continued to see that many women to see that many
32 women that we would certainly have a capacity problem. That has not gone away.

33
34 Council President Leventhal,
35 We had the same conversation back in June. Have the numbers increased from June to
36 October beyond what we anticipated back in June? In June it was my understanding we
37 were facing this precipice and we were resolving it through the contracts with the
38 Adventist Healthcare System. Now it sounds like we are facing this crisis in January.

39
40 Dr. Ulder Tillman,
41 Well, we had projected as we went through the last budget cycle that we would see
42 2350 in FY '07. By the end of June of this year in the last fiscal year we had hit 2340.
43 That was why we had alarming concern about what we were going to do about the
44 growing demand for the services.



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Council President Leventhal,

But at the beginning of the fiscal year I thought we had a plan in place that would address our needs for the fiscal year. In the summertime I thought we had, I did not think we were facing another emergency situation when we had this conversation back in June. As of July 1 I thought these contracts.

Dr. Ulder Tillman,

I can only say that come January of 2007 when Holy Cross has stated that they will limit their total to 1,500, that that can impose another constraint upon us that may be a challenge to meet. I mean that was one hospital that had managed to see some 2,200 women in the prior time. They have placed a self imposed limit on their services that will create a hardship for us. That's a reality.

Council President Leventhal,

How are we going to address it?

Dr. Ulder Tillman,

As I said before, we are exploring other potential partners. We are continuing to have discussions with Shady Grove. We know that if two hospitals say they only want to see women south of Rockville, that that's going to create a hardship for the women who are north of Rockville. We know that's a reality so we are continuing to discuss with all of our hospitals in terms of continuing to help us with this challenge. I don't have an easy answer to that.

Joan Planell,

We are scheduled to take this up this month in HHS Committee, coming back to review where we are with Maternity Partnership in a couple weeks, I think it's on the 23rd of October.

Council President Leventhal,

Okay, I do apologize to my colleagues, I said my last question was the last one, but do we have an update on Washington Adventist Hospital's plans to move?

Dr. Ulder Tillman,

No, not at this time.

Council President Leventhal,

Ms. Floreen.

Councilmember Floreen,

Thank you. The Community Health Improvement Plan. It seems like we just talked about that. Was that in June? Relatively recently. It was -- oh good. We're not going to have an RFP for that until a year from now, is that what I heard?



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1
2 Dr. Ulder Tillman,

3 No, the RFP is already been released, we have taken bids. The submissions closed on
4 September the 11th. There is a quality selection committee reviewing those proposals
5 at this point in time. So we actually expect to have a contractor, hopefully, I don't know
6 how long the contract period will take, but hopefully this month or next month.

7
8 Councilmember Floreen,

9 So we'll have a contractor, and so it's next fall that we would have the draft plan.

10
11 Dr. Ulder Tillman,

12 The final report.

13
14 Councilmember Floreen,

15 Oh, okay. Well is that a plan or report?

16
17 Dr. Ulder Tillman,

18 It is both, because we want to establish a process so that we have ongoing monitoring
19 of the health needs of the community, as well as an established advisory committee that
20 is going to continue to work with us on the continuous health improvement of
21 Montgomery County.

22
23 Councilmember Floreen,

24 Well what concerns me it really wraps into both the Maternity Partnership issue, and
25 well, the overall challenge what might happen with Washington Adventist Hospital. The
26 question needs assessment from our perspective. The able to comment -- as I would
27 hope that we would be prepared to comment on any Certificate of Need application
28 that's filed. Would that plan put us in a position to address that?

29
30 Dr. Ulder Tillman,

31 This plan will give us more information, but we actually have another request for
32 proposal that will be soon release that had will clearly position us to address the impacts
33 if a hospital chooses to relocate, and what impact that will have on the community itself.

34
35 Councilmember Floreen,

36 So that would be separate and apart from the Community Health Improvement Plan?

37
38 Dr. Ulder Tillman,

39 Yes.

40
41 Councilmember Floreen,

42 But presumably based on similar concerns.

43
44 Dr. Ulder Tillman,



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1 Exactly, it would be based on some of the information that is being collected.

2
3 Councilmember Floreen,

4 It clearly seem that is given the shifting sands, as it were, increasing demands, we need
5 to have our ducks in order as to how we are going to confront the decisions by the
6 hospital to address service issues. I think they're important issues, and they have major
7 concerns. I've talked to many of them about their concerns and how they're going keep
8 themselves afloat. I think we need to be very aggressive about the organization of the
9 program, the expectations for different parts of the County, and what parts of the County
10 are expected to support other portions of the County.

11
12 Dr. Ulder Tillman,

13 That's exactly what this RFP is going to focus on. There has been discussion among
14 counsel and in the HHS Committee, in terms of the community benefits plan and
15 information that goes to the state. This RFP is going to be taking a closer look at that.
16 Looking at uncompensating care, looking at the impacts of what happens when you
17 remove a major hospital from one section of the city, and what happens with the rest.
18 So, that is going to be part of the up coming RFP.

19
20 Councilmember Floreen,

21 This plan address things like the Montgomery Cares initiatives, I mean reflect what
22 that's responding to and identify areas of the County where the need is. I would assume
23 that would be part of the needs.

24
25 Dr. Ulder Tillman,

26 It may well be part of it. Montgomery Cares is still relatively new, but there will be an
27 environmental scan, if you will, of all of the service providers and major stakeholders in
28 the County. That information would be collected as well. This whole area in terms of
29 what are the health services delivery gap in the County is something that will be
30 relatively new for us. That is something that we're very much interested and concerned
31 with. So obviously Montgomery Cares will be playing a role with that.

32
33 Councilmember Floreen,

34 So will this health improvement plan be a consolidated collection of information across
35 the board on all the kinds of point that is you've described to us today? There are a lot
36 of initiatives going on out there.

37
38 Dr. Ulder Tillman,

39 There are a lot. That's true, but yes it will be moving towards comprehensive plan.

40
41 Councilmember Floreen,

42 But there are lots of assumptions about the ability of one organization to carry a certain
43 load, and you know, things happen. We've already seen that with respect to the position



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1 of some of the hospitals on the care that they can provide and the periodic evolution of
2 different service providers. So, it will reflect that as not a static element, but as a...

3
4 Dr. Ulder Tillman,

5 That's correct. It's going to establish a process. That is the benefit of having an advisory
6 committee of stakeholder that is can contribute and reflect upon the changing issues as
7 well.

8
9 Councilmember Floreen,

10 So, you're telling us that we should look forward to a plan next fall.

11
12 Dr. Ulder Tillman,

13 That's what I'm saying. I'll let you know if anything changes.

14
15 Councilmember Floreen,

16 Okay, thank you. The other question I had was for Ms. Dark, and the Commission on
17 Health Activities. Apart from County government, is the commission focusing on
18 communication to our families about physical activity?

19
20 Okianer Christian Dark,

21 No, not directly. Only through, for example, not directly it's through their involvement on
22 the, that is through our involvement on the Obesity Strategic Planning Committee where
23 one of the things they're doing is collecting data, and providing some information out to
24 the public there. That's the only way in which we are participating or supporting that kind
25 of dissemination.

26
27 Councilmember Floreen,

28 Is there anything in your charge that precludes you from focusing on this?

29
30 Okianer Christian Dark,

31 Not that I'm aware of.

32
33 Councilmember Floreen,

34 Because I would really ask that the commission give some thought as to where we can
35 get your advice on design of facilities that encourage exercise and physical activity and
36 activities that families need to be encouraged to undertake. It's not just in what goes in.
37 It's how you spend your day. We have become such a vehicle dependent community,
38 that the concept of encouraging kids to walk to school is less and less a priority. There
39 are safety and access issues that we're trying to address. But the other side of the coin
40 is how do we engage families in communities in choosing ways to move that are better
41 physically. It's true if every last one of us, certainly. I would ask that the commission add
42 that to its work program. Because, you know, kids, it's one thing to say, you can't have a
43 sugar product within a school building, but the minute they leave, and get into a vehicle
44 and go home and sit in front of the computer or play games in front of the computer for



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1 the rest of the day next to the refrigerator, we're not achieving much, except moving the
2 revenue stream. So if you could add that to your list of things to worry about for us,
3 maybe whenever you come back with a report, or at least start working that into your
4 initiatives. I think we really need to do a better job of communicating that to families.
5 And I was wondering whether there is any kind of, if you're not working on it now maybe
6 other folks aren't either, but I am wondering if there is any kind of regional initiative on
7 this score? Obesity, yeah, but is there a regional activity element that we're...

8
9 Council President Leventhal,
10 Actually COG is having a workshop on obesity in the month of November, I believe, it's
11 on my schedule, I'm blanking on the date, but COG is taking up the obesity issue.

12
13 Councilmember Floreen,
14 Maybe you might want to keep an eye on that, and see if there's regional community
15 awareness initiatives that can be implemented. And we can get some public service
16 announcements out there. We really do have to change the mind set of how we spend
17 our time, I think. I'm sure you could be a great partner in that. Thank you.

18
19 Okianer Christian Dark,
20 Thank you.

21
22 Council President Leventhal,
23 Okay. Mr. Knapp.

24
25 Councilmember Knapp,
26 Thank you Mr. President. I was listening from the other room and I think you took many
27 of the questions that I was going to ask, but that's okay. The first question I have is how
28 it relates to Montgomery Cares, and we've got the advisory board established, they had
29 their orientation on the 26th, is it up to the advisory board to really begin to establish the
30 standards for Montgomery Cares as to what it is that their going to, is the goal to
31 achieve meeting as many people's needs as possible? Is it specific levels of service? To
32 really begin to come up with a real implementation plan, or is that for you and any
33 advisory board is to come back and oversee that and provide guidance as to whether or
34 not we're providing the community input.

35
36 Dr. Ulder Tillman,
37 Montgomery Cares already has a five-year implementation plan, and that was shared
38 with the advisory committee on the September the 26th. Where the concern is, and
39 what I didn't mention is in term of how well Montgomery Cares reaches its goals. We do
40 have an evaluator, Rand Corporation, that's looking at that. We are concerned that we
41 did not meet the unduplicated patient count we had wanted to meet at the end of this
42 fiscal year. We were due to enroll 13,000 patients. We only got 12,000. It is something
43 that we would want the advisory's committee input in terms of what more we should do
44 or can we do to help galvanize our providers, and we are concerned that it can also be



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1 facing and coming up to the constraint of not having adequate physical space, as well
2 as number of providers, that could be an issue as well. These are things to discuss, but
3 we do have an implementation plan in place.

4
5 Councilmember Knapp,
6 But the issue you rose is kind of where I really wanted to go. So we didn't hit our
7 numbers, and was that purely a function of not reaching out to enough people, or did we
8 run out of resources that made it difficult to get to that number of people?

9
10 Dr. Ulder Tillman,
11 Our concern is that part of it could be resources. But we also know that our current
12 clinics and health centers do not have the flexibility right now to take walk-ins. So,
13 they're doing it all on scheduled appointments. They have returning clients, but if you
14 can't have the flexibility to take new people on short notice, then that constrains your
15 growth. That's a concern that we have.

16
17 Councilmember Knapp,
18 And within that implementation plan, are there quality of care standards that we have
19 laid out there?

20
21
22 Dr. Ulder Tillman,
23 Not in the implementation plan itself. We've been having discussions about quality;
24 we've working with Primary Care Coalition that has a center on quality of health care
25 delivery. And Rand will be evaluating that. That is part of the legislation that
26 incorporates in the advisory committee as well. They're free to examine that.

27
28 Councilmember Knapp,
29 And so we have Rand in a contractor type of role?

30
31 Dr. Ulder Tillman,
32 Yes, they are a major evaluator, so they will be looking at our growth not just in terms of
33 the numbers and our external goals, but also in terms of the quality of care and the
34 patient satisfaction.

35
36 Councilmember Knapp,
37 When do they report, or how do they report?

38
39 Dr. Ulder Tillman,
40 They are due to give us preliminary reports each year. I believe it's like every other year
41 we get a major report from them. It will be coming.

42
43 Councilmember Knapp,



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1 I just wanted to echo the Council President's perspectives on the oral health pilot, and
2 the adult volunteer dental clinic. I wasn't sure how those two pieces fit or didn't fit either.
3 I was actually quite confused, because I knew we had funded the oral health pilot, and
4 then I saw that the volunteer dental clinic was going away, and I wasn't sure, it seemed
5 like we were paying for one and then losing the other, and it just wasn't clear to me. I
6 look forward to clarifying that as well.

7
8 Council President Leventhal,
9 We'll make sure to have a detailed discussion of that in the HHS Committee as soon as
10 we reschedule.

11
12 Councilmember Knapp,
13 Okay. I appreciate all the questions that you asked Mr. Leventhal as it relates to the
14 Maternity Partnership especially in the Upcounty. That's clearly a big concern. You had
15 made mention of additional providers, and I was just curious as to, we've got four
16 hospital providers. Who else would we be looking to?

17
18 Council President Leventhal,
19 There's only five hospitals in the County. Right, we've got five hospitals, four providers...

20
21 Dr. Ulder Tillman,
22 There are other providers. We had even been exploring with Montgomery General the
23 idea of having some private practices to work from their offices to contribute. So, we're
24 trying to explore whatever possible that we can to increase the capacity.

25
26 Councilmember Knapp,
27 That gets to the other issue, and Ms. Floreen was raising this a little bit. As we look at
28 our broader health needs and assessment. On one hand if you look at these numbers
29 you say well gee, why can't Shady Grove do more, and yet I know I've had
30 conversations with the folks at Shady Grove, that even with the expansion they're doing,
31 that the way the state has approved their expansion, they're basically exceeding the
32 capacity of their expansion once they open the doors. Even with the emergency room
33 facility put into Germantown, you're still looking at a girth of health care opportunities
34 and access challenges throughout the County. Will this, the assessment that we're
35 going to do actually look at recognizing the fact that the state does the certificate of the
36 need process, and the theory is looking throughout the state to see what the needs are.
37 Will our assessment look to say, gee, to have a certain standard of care that we want to
38 have here, we're probably knocking on the door of needing a new hospital, and begin to
39 articulate that or do we steer clear of that all together?

40
41 Dr. Ulder Tillman,
42 Whether it's a new hospital or just other facilities it is certainly my hope that our needs
43 assessment will provide some convincing evidence to the state that there are needs not
44 being met at Montgomery County. And I know there is a state health plan and I know



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1 they give push back to the hospitals, and they prevent them from expanding, but we
2 certainly have been recognizing that we have unmet needs in the County. I would
3 certainly hope that our community health improvement plan as well as whatever we do
4 under the relocation RFP will demonstrate to the state that they are missing some very
5 important parameters in Montgomery County. We don't have is the authority to change
6 it, but we can certainly put it...

7
8 Councilmember Knapp,

9 No, and that's exactly right, but to the extent we need the information to begin to
10 advocate, I think is going to be significant, because whether we move a hospital, that
11 will highlight a series of issues. If you move a hospital from point A to point B, but it still
12 doesn't address the fact that we have lots of places that still have many, many unmet
13 needs anyway. That will have a ripple effect in the community that you move the
14 hospital from, and the committee you move it to, but that's only moving some of the
15 desk chairs around on the "Titanic" that is continually sinking. The timing for that was
16 the spring? The fall?

17
18 Dr. Ulder Tillman,

19 The community health improvement plan will be finished by October 2007. If there is a
20 relocation situation, we're going to be doing a first part.

21
22 Councilmember Knapp,

23 I'm less concerned about the relocation but the ability for us to have a day to begin to
24 advocate before the state, is that what we're waiting for next fall, to be able to have that
25 data.

26
27 Dr. Ulder Tillman,

28 We will hopefully have some data if need be before the March-April, spring period of
29 time if there is a relocation. Even apart from that, we will have data by October of 2007.

30
31 Councilmember Knapp,

32 Okay. All right...I think those were all the pieces, okay thank you very much.

33
34 Council President Leventhal,

35 Ms. Praisner.

36
37 Councilmember Praisner,

38 I don't think we're unique in the issue as far as the state is concerned and the Certificate
39 of Need process and the assessment. I really think that we have to stop looking within
40 the County borders exclusively as we do the discussion and review. There's significant
41 potential development occurring just outside our borders that is going to have significant
42 impact from a standpoint of health needs along with a myriad of other things. I think
43 there is potential for collaboration that doesn't just look at where a hospital is physically
44 located. I think we're on the beginning of the next generation of an assessment of how



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1 you deliver health care that doesn't require the physical presence of a hospital for the
2 delivery. What you need is the doctor's offices near where you're delivering services,
3 because they've got to make it financially viable that monitoring and the health care and
4 the interaction with the mother and whatever else may be associated with that issue
5 from a health, from a diet, from the rest of the family, everything else. So I think we have
6 to be a little more creative. And we should be looking with jurisdictions near us about
7 the whole issue. The reality is that part of Montgomery County is supposedly served by
8 the Greater Laurel Hospital. When you look at Howard County and Route 29, or Anne
9 Arundel, and the significant development and population that's going to be coming as a
10 result of BRAC, there are a variety of perhaps opportunities that do not present
11 themselves by looking just in the borders of Montgomery County.

12
13 Dr. Ulder Tillman,
14 That's correct.

15
16 Councilmember Praisner,
17 And Frederick and Upcounty. So I think we need to be looking more creatively at these
18 issues. So I would hope that a needs assessment or strategic plan, however we call this
19 review of health needs, doesn't get so locked into where a hospital is physically located
20 that, because to some extent the use of the hospital by some of our population is what
21 we're trying to wean them away from, because is that emergency room is not where you
22 go. You don't necessarily have to go to a hospital if you're getting the kind of health care
23 that you want, and the kind of health care that you should be associated with that family.
24 The hospital and how close it is a function of a when a real emergency occurs, not
25 necessarily that you're going to there to use the emergency room at your primary
26 healthcare. If we start talking about a more appropriate delivery of healthcare as our
27 goal, it seems to me that losing a hospital is the issue, not where it might physically be
28 located, if working towards a goal of the ideal kind of health service, or trying to deliver
29 the ideal level of health service, which means not using a hospital for emergency
30 services.

31
32 Dr. Ulder Tillman,
33 Right and there are number of regional discussions and conversations that have been
34 ongoing with the National Capitol Region, and with others as well as the military, and
35 even around immigrant health that are looking at these very things.

36
37 Councilmember Praisner,
38 Right, from a military perspective the delivery of healthcare is in some cases, and child
39 care is model program. And we need to start looking more at what the military has done,
40 and does do, and also look at what might be potentially possible in the context of the
41 relocation of BRAC, the BRAC relocations, to see if there's opportunities for us.
42 Certainly moving more jobs to Bethesda Naval is going to have an impact, but maybe
43 there are advantages if we think more creatively about this. It also seems to me that it
44 would be helpful if, and I would hope then in the development of whatever analysis



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1 we're doing that we're using GIS and some of the tools that we have to pinpoint
2 locations, so that we can see clusters related to illness and other things, but also see
3 where opportunities might be available from a facility perspective. Whether it's our
4 Montgomery Cares Coalition and new clinics in the interim or where it's trying to look at
5 healthcare locations that would benefit perhaps the private sector, obviously. The other
6 point I had is it would seem to me, not sitting on the Health and Human Services
7 Committee any more, I'm somewhat at a disadvantage of not tracking this on an
8 ongoing basis. I really would like to see or personally get a copy of what the contractor
9 was told the contractor is to do. What the RFP looks like, I guess. I want to understand
10 the benchmarking and the course monitoring to make sure that we don't wait until the
11 end and get a report that doesn't satisfy our needs and making sure, I assume, making
12 sure that we all have some understanding of it.

13
14 Dr. Ulder Tillman,
15 This is for the community health improvement?

16
17 Councilmember Praisner,
18 For both of those kinds of document issues, but especially for the Community Health
19 Plan so that we have an understanding -- I am concerned about expectations versus
20 reality and information. The charge such that we're clear, the utility of the material that
21 we get and it's transferability to other uses as we go forward. On the Community Health
22 Improvement Plan, one of the bullets says "The process will include compilation of a
23 surveillance data system for continuous monitoring of health related data." What does
24 that mean, what is a surveillance data system?

25
26 Dr. Ulder Tillman,
27 A surveillance system is basically a disease or condition detection system. It is similar
28 to, well we have two forms that we currently have in place in public health. One is in
29 terms of the reporting system we have for established diseases, reportable diseases, so
30 we can track infection and it gives us the heads up in terms of how to do tracing. The
31 other is more closely related to our emergency preparedness bioterrorism, where our
32 surveillance system called essence, we are looking for just symptoms.

33
34 Councilmember Praisner,
35 So in essence what you're tracking what reporting you've received...

36
37 Dr. Ulder Tillman,
38 Right, that's health related.

39
40 Councilmember Praisner,
41 And trying to understand what that might mean what a number of children out of school
42 may mean, or what person who presents themselves at a hospital may mean, et cetera,
43 that kind of data. The data system, obviously, is only as good as your capacity to
44 monitor it on an ongoing basis, and the speed with which that information is provided,



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1 and the capacity to filter the garbage that may come in in the process of being clear that
2 you're getting a filter so that all the other information that is not as necessary, from an
3 intelligence community perspective. You may have all the information in the world and
4 unfortunately, that may be your problem, you have too much information. Therefore, you
5 can't get through to what you really need. So how do we develop a system that doesn't
6 give you so much data that it's garbage in, garbage out. As opposed to the appropriate
7 data that allows you to make sure that you're tracking the right stuff, so to speak.

8
9 Dr. Ulder Tillman,

10 You know, there are a lot of national/international discussions about this very subject.
11 There have been a number of conferences particularly around syndromic surveillance,
12 in terms of what sort of alerts are indicative of something actually happening and what's
13 background noise. Those are ongoing discussions. They're based on experience in
14 terms of these signs invariably are related to something, such as when we notice that
15 there is an upsurge in over the counter antidiarrheal medications. We know there's
16 something circulating in our communities, whether it's viral/bacterial that is a GI
17 conditional problem.

18
19 Councilmember Praisner,

20 So you're involved in the issue from a standpoint of not building our own, but working
21 with that kind of process.

22
23 Dr. Ulder Tillman,

24 Right. Particularly in this area in terms of the ongoing day today surveillance system,
25 the state is very much involved in creating another system that is electronic and closer
26 to realtime, and the Federal government is interested in those models as well. We are
27 requiring that the contractor or consultant keep a breast of those changes so that we
28 don't...

29
30 Councilmember Praisner,

31 The national governor's association announced that they're going to do table top
32 exercises on pandemic preparedness. I gathered they would be looking at those kinds
33 of things so we're plugged into that from that perspective. The question I had about the
34 commission relates to the workplace accident and injury issues. I wondered, since this
35 has been ongoing as I understand it, have you had any discussions about what you've
36 learned from it, et cetera? How are you engaging the business community on that
37 piece?

38
39 Okianer Christian Dark,

40 Not yet, we haven't had a report. We're expecting to have a two-part report, actually first
41 introduced somewhat to the commission in terms of, well let me start. We have a task
42 force of three members of the commissions working on the report. It came about almost
43 a year ago as a part of, as an out growth of our retreat discussions. Where questions
44 were raised about what was happening, in particular the kinds of stories that came up,



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1 where we have immigrants who are working on construction sites and what's happening
2 in terms of their safety and health, and...

3
4 Councilmember Praisner,
5 Is this a construction site related issue?

6
7 Okianer Christian Dark,
8 Those were the kind of stories that were generated. Now the task force itself has given
9 us a short report to let us know that they realize that this is a massive project. They've
10 spent more time trying to figure out what governmental agencies, it seems to me, have
11 information already that they could draw on so that they could provide that information
12 to us. At this stage, I have nothing more for you until after November. Then I'll have
13 much more in terms of the...

14
15 Councilmember Praisner,
16 I appreciate that. My only comment or suggestion would be that given the amount of
17 energy and time that volunteers have to provide, I would hate you all to get so tied up in
18 the maze that's associated with OSHA and other issues, but also without having some
19 conversation with the business community, which obviously is in control of most
20 workforce sites, except for those the government may operate. I think it's very important
21 that before you roll anything out, that you have those conversations with at least the
22 chambers, maybe some of the Suburban Area Builders Association, et cetera, so that
23 they have some understanding. I don't think they should be surprised by the fact that
24 you're looking at this issue. My final question, Dr. Tillman, relates to meth and whether
25 you have seen increases in methamphetamine issues. The epidemics that we read
26 about, hear about. Know that we've had some cases in the state of Maryland. We have
27 been training police officers, et cetera, at the Federal sites on those issues. I gathered
28 that there has been an announcement about over the counter sales as opposed to on
29 the shelf sales of some of the products being used. I have just wondered about the most
30 recent activities as it relates to meth issues.

31
32 Dr. Ulder Tillman,
33 That area is not directly in my service area. I would need to get that information for
34 you...

35
36 Councilmember Praisner,
37 But you haven't been involved at all?

38
39 Dr. Ulder Tillman,
40 ...environmental contamination concerns around that. But I've not received any direct
41 reports of any increases in Montgomery County. But I'll inquire for you.

42
43 Councilmember Praisner,
44 I would appreciate it Joan, if you could double check on that. Thank you.



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1
2 Council President Leventhal,
3 Well great. Thank you, Dr. Tillman. Thank you, Ms. Dark, and thank you to my
4 colleagues. The County Council is adjourned.
5